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Mali

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I. Introduction

1. This report for the third cycle of the universal periodic review is submitted in a context marked by implementation of the Agreement on Peace and Reconciliation in Mali resulting from the Algiers Process, which contains clauses on the promotion of genuine national reconciliation based on such elements as: putting in place transitional justice mechanisms; the non-applicability of the statute of limitations to war crimes and crimes against humanity; no amnesty for perpetrators of these offences and serious human rights violations, including violence against women, girls and children; consolidation of the judicial branch in order to guarantee the rule of law throughout the country; thorough reform of the judicial system to make it more accessible and improve its performance; and ending impunity.

2. This report describes the changes in the national context regarding the promotion and protection of human rights over the last five years. It presents and analyses the follow-up to implementation of the recommendations and commitments resulting from the 2013 universal periodic review, the mechanisms for protecting human rights, progress and best practices, and the constraints upon promoting and protecting human rights.

3. The report also makes a series of recommendations on supporting Mali in its commitment to a peaceful resolution of the armed conflict in an atmosphere respectful of human rights and the rule of law.

II. Methodology and consultation process

4. This report is based on in-depth discussions with State bodies, institutions of the Republic, national human rights institutions and civil society organizations, and analysis of documents. It focuses on progress and difficulties since the second review of Mali.

5. The Human Rights Division of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) supported the production of the draft national report for the third cycle of the universal periodic review. A workshop, attended by representatives of ministerial departments, institutions of the Republic, the National Human Rights Commission (CNDH), the Office of the Ombudsman and civil society organizations, was held on 5 October 2017 to approve the draft national report. The International Organisation of La Francophonie (IOF) assisted Mali with the final draft of the national report. The Committee to supervise the preparation of the national report for the universal periodic review, set up under Decree No. 2017-0800/PM-RM of 19 September 2017, prepared the final version of the national report, which was submitted to the Cabinet for approval.

III. Changes in the normative and institutional framework (2013-2017)

A. Constitution

6. Chapter I of the Constitution recognizes and guarantees all categories of human rights. It also makes provision for mechanisms to ensure that they are guaranteed by a judicial branch independent of the executive and legislative branches and for a Constitutional Court that guarantees the fundamental rights of the individual and public freedoms.

7. Despite the progress made, institutional practice has brought to light some inadequacies in the Constitution that justify its amendment. A committee of experts to review the Constitution was established by Decree No. 2016-0235/PM-RM of 20 April 2016 to draw up a preliminary draft of a bill amending the Constitution that rectifies its inadequacies on the basis, in particular, of the Agreement on Peace and Reconciliation in

Mali resulting from the Algiers Process and the achievements of previous attempts at constitutional amendment.

8. Following the work of the Committee, the National Assembly adopted Act No. 2017-031/AN-RM of 2 June 2017 amending the Constitution. Decree No. 2017-0448/P-RM of 7 June 2017 summoned the electoral college on 9 July 2017 to decide upon the Act by referendum. After consulting political, economic, religious and social leaders, the President decided to postpone the holding of a referendum.

B. International instruments

9. During the reference period, Mali continued the ratification and accession process. It has ratified or acceded to the following international human rights instruments:[1]

- Convention relating to the Status of Stateless Persons, adopted by the United Nations Conference of Plenipotentiaries in New York on 28 September 1954 (Act No. 2015-056 of 31 December 2015 and Decree No. 2015-0866/P-RM of 31 December 2015 on accession).
- Convention on the Reduction of Statelessness, adopted by the Conference of Plenipotentiaries in New York on 30 August 1961 (Act No. 2015-057 of 31 December 2015 and Decree No. 2015-0881/P-RM of 31 December 2015 on accession).
- Protocol P029 of 2014 to the Forced Labour Convention, 1930, adopted by the 103rd session of the International Labour Conference in Geneva on 11 June 2014 (Act No. 2015-061 of 31 December 2015 on ratification, Order No. 2015-029/P-RM of 23 September 2015 authorizing ratification of the Protocol, and Decree No. 2015-0645/P-RM of 19 October 2015 ratifying it).
- C155 Occupational Safety and Health Convention and the Protocol thereto, adopted on 22 June 1981 and 3 June 2002 respectively in Geneva by the 67th and 90th sessions of the International Labour Conference (Act No. 2015-065 of 31 December 2015 ratifying Order No. 2015-035/P-RM of 23 September 2015 authorizing accession to the Convention, and Decree No. 2015-0644/P-RM of 19 October 2015 acceding to it.

C. Harmonization of national legislation with international instruments

10. The Government has introduced bills to bring national legislation into line with international human rights conventions. A corpus of legislation was thus developed during the reference period:[2]

- Act No. 2017-021 of 12 June 2017 amending the Employment Code by raising the minimum age of employment.
- Act No. 2016-039 of 7 July 2016 amending Act No. 01-079 of 20 August 2001 on the Criminal Code by criminalizing the corruption of foreign public officials and officials of public international organizations, and corruption in the private sector.
- Act No. 2016-008 of 17 May 2016 introducing a single Act on money laundering and the financing of terrorism.
- Act No. 2016-048 of 17 October 2016 on elections.
- Act No. 2015-052 of 18 December 2015 introducing measures to promote gender equality in access to appointed and elected office.
- Order No. 2015-032/P-RM of 23 September 2015 establishing the Central Office to Combat Illicit Enrichment.
- Order No. 2013-012/P-RM of 2 September 2013 amending Act No. 01-078 of 18 July 2001 on the control of drugs and precursors.
- Act No. 2013-016 of 21 May 2013 amending Act No. 01-080 of 20 August 2001 on the Code of Criminal Procedure by amending the rules of procedure on police

custody and searches of and visits to homes with a view to improved punishment of perpetrators of terrorist offences and transnational organized crime and their accomplices.

- Act No. 2014-015 of 27 May 2014 on the prevention and punishment of illicit enrichment.
- Act No. 2013-015 of 21 May 2013 on the protection of personal data in the Republic of Mali.
- Act No. 2016-036 of 7 July 2016 establishing the National Human Rights Commission.

D. Public policies and national strategies

11. During the reference period, the Government of Mali continued to implement socioeconomic development projects and programmes with a view to strengthening the promotion and protection of human rights:[3]

- Government Action Programme (PAG 2013-2018).
- Strategic Framework for Economic Recovery and Sustainable Development (CREDD 2016-2018), the Agreement on Peace and Reconciliation in Mali resulting from the 2015 Algiers Process, the national policy on the promotion and protection of the child and the related five-year action plan 2015-2019, adopted on 26 February 2014.
- National promotion of the family policy and action plan 2016-2020, adopted on 7 October 2015.
- National migration policy and action plan, adopted on 16 July 2014.
- National policy to promote the social solidarity economy and the related action plan 2014-2018, adopted on 9 October 2014.
- National climate change policy, adopted on 9 October 2014.
- Agricultural land policy of Mali, adopted on 3 December 2014.
- National humanitarian action policy, adopted on 7 January 2015.
- National employment policy and action plan 2015-2017, adopted on 18 March 2015.
- Health and social development programme 2016-2018.
- National craft sector development policy and action plan 2014-2018, adopted on 18 March 2015.
- National human rights policy and action plan 2017-2021, adopted on 16 November 2016.
- National transitional justice policy and plan of action 2017-2021, adopted on 22 December 2016.
- Institutional development programme (second generation) and operational plan for 2017-2021, adopted on 15 March 2017.

12. Furthermore, the Government is implementing a national programme to combat excision. It has an estimated budget of 120,000,000 CFA francs (CFAF). This budget is supplemented by other technical and financial partners.[4]

13. The Government has also continued to implement the Action Plan 2015-2017 to combat trafficking in person, under the aegis of the National Coordinating Committee on Combatting Trafficking in Persons and Similar Practices.[5]

IV. Administration of justice and international criminal law

14. The Government has redoubled its efforts to preserve the progress made in relation to justice. The Emergency Programme to Strengthen the Judicial System and Implement the Agreement on Peace and Reconciliation (PU-RSJ-MOA) was adopted on 13 October 2015. This programme promotes full independence of the judicial branch and the fight against impunity and human rights violations.[6]

15. Article 46 of the Agreement on Peace and Reconciliation in Mali resulting from the Algiers Process provides for the establishment of an international commission of inquiry to investigate violations of international human rights law and international humanitarian law throughout Malian territory. Legislation to establish this commission is in preparation.[7]

16. The Government has built a new headquarters for the Supreme Court, the Administrative Court of Mopti and the newly established district courts of San, Niono, Fana and Macina. In addition, the support of the United Nations Development Programme (UNDP) and MINUSMA has enabled 18 courts in the north of the country and 20 custody suites to be built or renovated.[8]

17. In the framework of preventing reprisals and violations of human rights and international humanitarian law, the Government conducted two studies in 2014, on the criminal justice system, and on training and awareness-raising on human rights for the armed and security forces, judges and others working in the judicial system, and the general public.[9]

18. The Government is committed to prosecuting all presumed perpetrators of serious human rights violations: arrest and prosecution of some members of the National Committee for the Restoration of Democracy and State (NCRDS — the junta), opening of the trial of presumed perpetrators.

19. The Government has intensified its awareness-raising activity in order to prevent intercommunal violence and disarm militias, including by implementing the national reconciliation strategy and action plan (2015-2018).[10]

20. In the framework of Security Sector Reform, it adopted the Programming Act on internal security in order to combat drug-trafficking and smuggling in the north of the country.[11]

21. With regard to combating terrorism, it has amended the Code of Criminal Procedure to set up a judicial unit specializing in combating terrorism and international organized crime in the Regional Court of municipality VI of the District of Bamako, and revised the Criminal Code.[12]

22. The Government has worked to reduce to the minimum human rights violations in the execution of activities aimed at restoring law and order in the country.[13] It has also opened investigations and prosecuted members of the armed and security forces involved in serious human rights violations.[14]

23. The judicial and political authorities, the National Human Rights Commission and human rights organizations have conducted regular visits to places of detention in the framework of monitoring the application of criminal law and international standards on detention.[15]

V. Rule of law, democracy and peace

24. In the framework of restoring democracy and the rule of law, the Government has continued its efforts to strengthen democratic institutions and restore the constitutional order. Significant advances have been made, including: the signing in Ouagadougou in June 2013 of the Preliminary Agreement to the Presidential Election and the Inclusive Peace Talks in Mali; the adoption of Act No. 2016-048 of 17 October 2016 on elections; the organization of free and fair elections in 2013;[16] adoption of the transition road map; review of the status of the opposition that led to the adoption of Act No. 2015-007 of 4 March 2015 on the status of the political opposition; appointment of the leader of the opposition; the

establishment of a framework for cooperation between the Minister of Regional Government and the leaders of political parties;[17] and the organization of conferences on the north and decentralization in 2013[18] and the National Understanding Conference in 2017.

25. In 2016, the Government organized municipal elections, and appointed and established interim authorities in the northern regions in 2017.

26. The Government continued to work through PU-RSJ-MOA to strengthen the rule of law.[19]

27. In order to strengthen solidarity between all parties, peacefully complete the political transition and re-establish national unity and territorial integrity so that the Malian people can enjoy all human rights, the Government set about mobilizing all those involved in the peace process, which in 2015 resulted in the signing of the Agreement on Peace and Reconciliation in Mali resulting from the Algiers Process, and established a committee to follow up the Agreement.[20]

VI. Combating impunity, and transitional justice

28. Significant action has been taken to combat impunity, including the opening of the trial of several members of the military junta, the conviction by the International Criminal Court of Ahmad Al Faqi Al Mahdi for war crimes in the north of Mali and the conviction by the Mali Assize Court of Aliou Mahamane Touré, former Islamic commissar, for serious human rights violations.[21]

29. Confronted with a resurgence of human rights violations, especially against women and children, the Government embarked upon the path of transitional justice. In this framework, it took several initiatives, including: the organization in June 2013 of a national seminar on transitional justice; the adoption of Act No. 2014-001 of 7 April 2014 ratifying Order No. 2014-003/P-RM of 15 January 2014 establishing the Truth, Justice and Reconciliation Commission; the drafting and adoption of legislation and regulations on the international commission of inquiry provided for by the Agreement for Peace and Reconciliation in Mali resulting from the Algiers Process; the adoption of a national transitional justice policy by the Cabinet on 22 December 2016; and the adoption of Decree No. 2015-0858/P-RM of 31 December 2015 on procedures for applying Act No. 2012-025 of 12 July 2012 on compensation of victims of the rebellion of 17 January 2012 and the insurrection of 22 March 2012.[22]

30. The national policy document on transitional justice adopted by the Government on 22 December 2016 contains necessary measures to guarantee the non-recurrence of human rights violations, the right to the truth, the right to justice and the right of victims and the members of their families to compensation.[23] The bill on the protection of human rights defenders was adopted by the Cabinet on 4 January 2017.

31. The Truth, Justice and Reconciliation Commission continues to cooperate closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR), international organizations and human rights organizations in order to meet the challenges facing transitional justice in the form of the human rights violations that took place before and during the current crisis.[24]

32. The Government has benefited from the assistance of MINUSMA, OHCHR and the International Criminal Court, which are providing technical assistance to support its efforts to investigate and prosecute the international crimes within its jurisdiction, especially crimes committed in the north and centre of the country since January 2012.[25]

VII. Fighting terrorism and transnational organized crime

33. The Government has continued to fight terrorism in all its forms by: adopting the Security Sector Reform, the Military Guidance and Programming Act and the Internal Security Programming Act; intensifying the training and equipment of the armed forces; establishing a specialized judicial unit and specialized units to fight terrorism and organized crime; and strengthening collaboration between the Mali armed forces, MINUSMA, Operation BARKHANE (French anti-insurgent operation in the Sahel) and G5 Sahel (a joint military force of Burkina Faso, Chad, Mali, Mauritania and Niger to tackle terrorism).

34. Additional measures are the adoption of Interministerial Order No. 2013-1338/MSIPC-MDAC-SG of 9 April 2013 establishing a terrorist attack management centre in the Bamako district and its environs and Decree No. 2015-0230/PRM of 2 April 2015 on implementation procedures for freezing funds and other financial resources of terrorists, the financiers of terrorism and terrorist organizations, and adoption of a strategy to fight against religious extremism.[26]

VIII. National institution for the promotion and protection of human rights

35. The National Human Rights Commission is the national institution responsible for promoting and protecting human rights in Mali. It is also the national mechanism for the prevention of torture.

36. It was established in accordance with international standards, including the Paris Principles, through the adoption of Act No. 2016-036 of 7 July 2016. The main innovations of the new Act are: making the Commission an independent administrative authority; reducing the number of members from 41 to 9, all of whom are permanent and covered by immunity; strengthened independence; autonomous management of the resources allocated; and the establishment of regional representation of the Commission. It can receive complaints from individuals who believe themselves to be victims of human rights violations.

37. The new Act opens the way to the accreditation of the National Human Rights Commission of Mali with "A" status, which would enable it to vote during sessions of the Global Alliance of National Human Rights Institutions (GANHRI) and make it better able to perform its functions.[27]

IX. Promotion and protection of human rights (2013-2017)

A. Civil and political rights

Abolition of the death penalty

38. There is a moratorium on executions.[28] No death sentence was executed during the reference period.

Trafficking in human beings

39. The Government has taken measures to combat unlawful trafficking in persons in accordance with the United Nations Convention against Transnational Organized Crime and the Protocols thereto. The National Coordinating Committee on Combatting Trafficking in Persons and Similar Practices has been set up, an action plan on fighting trafficking in persons and similar practices has been adopted and a bill against slavery and similar practices has been drafted.[29]

Extrajudicial executions, torture and ill-treatment, arbitrary detention

40. The Government has taken measures to end serious human rights violations by giving the defence and security forces clear instructions and the necessary training to act in accordance with international human rights standards. It has also taken the following measures: issuance of arrest warrants for the perpetrators of such acts; training in international humanitarian law for the armed and security forces; adoption of the Military Guidance and Programming Act and Security Sector Reform; and amendment of the Code of Conduct of the Armed and Security Forces of Mali in order to adapt it to the present context.[30]

Freedom of religion

41. The Government has taken measures to guarantee freedom of religion and worship. These include establishing the Ministry of Religious Affairs and Worship and a national directorate of religious affairs and worship with branches in the regions, districts and municipalities, and the restoration of destroyed mausolea.[31]

Freedom of expression

42. The Government has continued its efforts to raise awareness with a view to protecting freedom of expression and ending the practices that threaten this right. It has adopted Act No. 2015-018 of 4 June 2015 amending and ratifying Order No. 2014-006/P-RM of 21 January 2014 establishing the High Communication Authority. It has also opened investigations into disappeared and deceased journalists.[32]

B. Economic, social and cultural rights

Right to an adequate standard of living

43. The Government has continued to implement socioeconomic development projects and programmes that aim to guarantee the effectiveness of the right to an adequate standard of living: the Strategic Framework for Economic Recovery and Sustainable Development, the overall objective of which is to promote inclusive and sustainable development in order to reduce poverty and inequality in a unified and peaceful Mali on the basis of the Agenda 2030 Sustainable Development Goals. It has also introduced the national policy to promote the social solidarity economy and the related action plan 2014-2018.[33]

Right to education

44. The Government has continued its efforts to improve the functioning of the education system. There has been significant development in the education sector as a result of implementation of the Ten-Year Educational Development Programme, the Education Sector Investment Programme and several recommendations made by the National Education Forum held in 2008, including an increased gross enrolment ratio in lower and upper secondary education, increased infrastructure, a huge study of Koranic schools in order to bring them into line with the education system in terms of clearly defined teaching methods, and strengthening the partnership around and at the service of the school.[34] To tackle the effects of the crisis of 2012, an Education for All Emergency Project for 2013-2016 was drawn up and implemented with the objective of increasing access to education and improving the learning environment for students affected in the target areas.

45. The Government has continued to strengthen vocational education, including with the support of the international community through the implementation of several projects and programmes, including the Youth Employment Programme and the Ten-Year Vocational Training for Employment Programme. The aim of these programmes is to reduce youth unemployment. It has also set about consolidating vocational training activities and enhancing employability by introducing Act No. 2016-026 of 14 June 2016 on vocational training, and the national employment policy and action plan 2015-2017.[35]

Right to health

46. The Government has continued its efforts to increase the health coverage rate and introduce free C-sections, antiretrovirals and treatment of tuberculosis and malaria for pregnant women and children under 5 years. Technical capacity and special State assistance to patients living with HIV and AIDS have improved significantly.[36]

47. The Government has also worked to improve health coverage through the Health and Social Development Programme and by providing access to drinking water with the establishment of Société Malienne de Gestion de l'Eau Potable (SOMAGEP) and Société Malienne de Patrimoine de l'Eau Potable (SOMAPEP).[37] In addition, it has adopted Act No. 2015-036 of 16 July 2015 on consumer protection and a national policy document on food safety.[38]

C. Women's rights, gender equality and women's empowerment

48. The Government has intensified its efforts to eradicate female genital mutilation (FGM/excision) through the National Programme to Combat Excision, which has dealt with more than 1,080 cases of complications following excision[39] and resulted, with the assistance of religious leaders, in more than 8,000 women who carried out excisions in almost 1,200 villages abandoning the practice.

49. The Government has intensified the campaign to raise public awareness against female genital mutilation, including by celebrating International Day of Zero Tolerance for Female Genital Mutilation (6 February) and for the Elimination of Violence Against Women (25 November), and implementing 16 days of activism against violence against girls and women.[40]

50. With a view to adopting legislation outlawing all forms of the traditional practice of female genital mutilation in accordance with the recommendations of the Committee for the Elimination of Discrimination against Women and the Committee on the Rights of the Child, the Government is reviewing the Criminal Code in order to include provisions punishing violence against women. It has also issued Decision No. 2017-002/MPFEF/SG of 24 January 2017 setting up the national committee to supervise the process of adopting a bill against gender-based violence, including excision, and the development of a national road map for the adoption of a bill against gender-based violence, including excision.[41]

51. The Government has continued to implement measures aimed at protecting women's rights through implementation of the national gender policy action plan and putting into operation the National Gender Policy Permanent Secretariat so that women's rights are fully respected.[42]

52. Regarding the participation of women in the management of public affairs, significant progress has been made through the adoption of Act No. 2015-052 of 18 December 2015 introducing measures to promote gender equality in access to appointed and elected office.[43]

53. Government efforts have also led to the drafting of the National Plan to implement United Nations Security Council resolution 1325, which resulted in the development of strategies to combat gender-based violence during conflicts, strengthen the participation of women in implementing the Agreement for Peace and Reconciliation in Mali resulting from the Algiers Process, and to promote equal treatment and non-discrimination against women.[44]

D. Rights of the child

54. The Government has made significant progress regarding the rights of the child with the adoption by the Cabinet of a national policy document on protection of the family and an action plan for 2016-2020, and guidelines for the management and protection of children at risk or living in serious situations of abuse, violence, exploitation or negligence.[45] In 2016, Act No. 2016-058 of 27 December 2016 on war orphans in the Republic of Mali was

adopted. Order No. 02-062/P-RM of 5 June 2002 on the Child Protection Code is under review.

55. The Government has taken the necessary measures to protect children's rights, prevent the recruitment of child soldiers by parties to the conflict and establish mechanisms for the reintegration of demobilized children through the adoption, on 28 January 2013, of an interministerial memorandum stating that children associated with armed forces and groups who have been captured or have escaped are to be considered victims and treated accordingly.[46]

56. The Government has continued to redouble its efforts to eliminate child labour in the framework of the national programme to combat child labour through wide dissemination of the legislation prohibiting it.[47]

57. It has worked to improve children's access to health care and education by guaranteeing them appropriate access to these services through the 3rd Ten-Year Health and Social Development Plan for 2014-2023 and the Education Sector Investment Programme.[48]

E. International humanitarian law

58. The armed conflict that affected the regions of northern Mali in 2012 caused significant displacement of persons both within Mali and to neighbouring countries.

59. With the signing of the Agreement for Peace and Reconciliation in Mali resulting from the Algiers Process and the presence of NGOs in charge of humanitarian assistance in areas of return, humanitarian assistance, social cohesion, economic recovery and the re-opening of basic social infrastructure programmes have made it possible to support internally displaced persons, refugees and vulnerable groups.

60. The table below presents by theme the state of implementation of the measures and actions in progress or already undertaken by Mali. Essentially, it covers the recommendations accepted, those already taken into account and those noted following the interactive dialogue of 22 January 2013.

Areas/Goals Recommendations	Status	Measures taken/planned	Impact of measures taken/planned Indicators of results
I. National legislative measures, policies, strategies and initiatives			
1.1 National human rights institution (**110-4**)	Finished	Act No. 2016-036 of 7 July 2016 establishing the National Human Rights Commission Decree No. 0853/PR-M of 8 November 2016 on the organization and terms of reference of the National Human Rights Commission Decree No. 2017-0377/P-RM of 3 May 2017 appointing the members of the National Human Rights Commission.	The members of the National Human Rights Commission took their oath on 17 May 2017 for a non-renewable seven-year term.
1.2 National policies and strategies			
(a) Human rights awareness-raising, education and training (**110-5**, **111-19** to 21, **111-38**, **111-59** to 60)	In progress	Training and awareness-raising on: • combating excision • combating trafficking in persons and similar practices • combating the sexual exploitation of women and children	• Implementation of a programme to combat excision. An annual budget of CFAF 120 million has been allocated but is insufficient to reach the objectives. • Abandonment of the practice by 8,000 women who carried out excision in 1,200 villages. • Adoption and execution in 2015-2017 of an annual implementation plan of Act No. 2012-023 of 12 July 2012 on combating trafficking in persons and similar practices. • Establishment of the National Committee to combat trafficking in persons and similar practices. • Trial in in the framework of the fight against trafficking in persons and similar practices.

Action Results *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
			• Training and raising the awareness of those working in the justice system, representatives of civil society organizations and community leaders in the regions of Mali.
			• Training the defence and security forces in human rights and international humanitarian law.
			• Training religious leaders about radicalism, violent extremism and tolerant Islam.
			• Broadcast of programmes for the national peace and reconciliation unit on national radio and television and private radio stations.
(b) National strategy/initiatives	In progress	Decree No. 2017-0800 PM-RM of 19 September 2017 on the establishment and terms of reference of the Committee to supervise the preparation of the national report for the universal periodic review.	Interministerial committee set up to, among others, coordinate the actions of ministerial departments, propose a draft report, organize its approval and follow up implementation of the recommendations.
I.3 Legislative measures/compliance with international instruments (**III**-1 and 3, **III**-7 to 8, **III**-63)		• Review of Act No. 01-079 on the Criminal Code and Act No. 01-080 on the Code of Criminal Procedure. • Action in progress to publish all international and regional human rights treaties ratified by Mali in the Official Journal.	Continuation of the process to harmonize national legislation with the provisions of international human rights treaties.

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Action Plan Recommendation	Status	Measures taken planned	Indicators of results Impact of measures for implementation of recommendations and commitments
II. Governance (democracy, elections, judicial system, impunity, etc.)			
II.1 Democracy (**111**-1 to 2, **111**.22, **111**.23, **111**-53, **111**-57, **111**-63)	Finished	• Government of transition put in place (2013). • Conference on the north (2014). • Conference on decentralization (2014). • State-political parties cooperation. • National understanding conference (2017). • Decree No. 2015-0655 of 19 October 2015 setting out the institutional framework of the emergency programme to revive development in the northern regions. • Act No. 2015-008 of 5 March 2015 on military guidance and programming for 2015-2019. • Act No. 2017-029 of 14 July 2017 on internal security programming for 2017 to 2021. • National human rights policy (2016) and plan of action (2017-2021).	• Transfer of powers between the Transition President and the Elected President (2013). • Dissolution of the junta (2013). • Signing of the Agreement for Peace and Reconciliation in Mali resulting from the Algiers Process (2015). • Establishment of the emergency programme to revive development in the northern regions (2015). • Amendment of the Code of Conduct of the armed and security forces. • Establishment of the National Security Sector Reform Council. • Annual Democratic Discussion Forum. • National Understanding Charter (2017). Establishment of the Ministry of Human Rights and State Reform.
II.2 Elections (**111**-2, **111**-3 to 6)	In progress	• Preliminary agreement to the Presidential Election and the Inclusive Peace Talks in Ouagadougou (June 2013)	• Presidential and legislative elections in 2013 and municipal elections in 2016, which took place in a pluralist and democratic manner.

Action Plan's Recommendation	Status	Measures taken planned	Indicators of results Impact of measures for implementation of recommendations and commitments
		• Act 2016-048 of 17 October 2016 on elections taking gender into account	• Three types of elections planned for 17 December 2017:
		• Adoption by the Cabinet on 5 October 2017 of decrees summoning the Electoral College for the elections of municipal councillors, district councillors and regional councillors	• partial municipal elections in 59/703 municipalities where elections could not be held in November 2016 • local elections • regional elections.
II.3 Judicial system (**111**-54, **111**-56, **111**-58 to 60)	In progress	• PUREJUSTICE 2015. • Two studies of the criminal justice system in 2014. • Reinstatement of competences to courts in the north. • Measures to humanize prison administration. • Malian Justice Support Plan (2014).	• New Supreme Court headquarters built. • Administrative court of Mopti built. • District courts built in Sagt, Niono, Tana and Macina. • 18 courts in the northern regions built or renovated. • Building in progress of a new central prison at Kenieroba, outside Bamako. • Establishment in the National Directorate of Judicial Affairs of a permanent commission to revise and harmonize legislation.
II.4 Impunity (**111**-37, **111**-43, **111**-45 to 52, **111**-55 to 56, **111**-61 to 62, **112**-13 to 14, 112-23 to 27)	In progress	• Partnership agreement between the International Criminal Court and the Government of Mali in the framework of cases referred to it (2013).	• Visits of the Prosecutor of the International Criminal Court (2013, 2017). • Referral of Ahmad Al Faqi to the International Criminal Court (2015).

Action Results *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
		• Establishment of an international Commission of Inquiry under article 46 of the Agreement on Peace and Reconciliation. • Arrest warrants issued for perpetrators of serious human rights violations in the north. • National transitional justice policy and action plan 2016-2020 (December 2016). • Bill on the protection of human rights defenders.	• Conviction of Aliou Mahamane Touré by the Mali Assize Court in 2017. • Arrest, appearance and charging of certain members of the military junta and presumed perpetrators of the assassination of Ghislaine Dupont and Claude Verlon of Radio France Internationale (RFI). • Putting in place and into operation of the Truth, Justice and Reconciliation Commission and its regional branches.
III. International instruments and cooperation with international human rights mechanisms			
III.1 Improve cooperation with treaty bodies			
(a) Ratification (**110**-1)	In progress	• Decree No. 2015-0866/P-RM on accession of the Republic of Mali to the Convention relating to the Status of Stateless Persons. • Decree No. 2015-0881P-RM on accession of the Republic of Mali to the Convention on the Reduction of Statelessness.	Progress in implementation of Mali's commitments to ratifying international human rights instruments.
(b) Special procedures and cooperation with treaty bodies (**110**-6 to 7, **111**-11 to 12, **111**-7, **112**-9)	In progress	• During the reference period the activities listed under the results heading demonstrate the interest and commitment of Mali to United Nations mechanisms.	• Cooperation with the Human Rights Division of MINUSMA.

Action Results *Recommendations*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
		• Interministerial Committee to support the drafting of initial periodic reports.	• Seventh visit of the Independent Expert on human rights, 7-16 November 2016.
III.2 Technical assistance (**110**-8 to 10)	In progress	Strengthened cooperation with bilateral and multilateral partners on human rights makes it possible to reach the objective of consolidating legal protection mechanisms and to take action that will improve human rights protection and the living conditions of the whole population.	• Technical assistance from the International Committee of the Red Cross (ICRC) and the Office of the High Commissioner for Refugees (UNHCR) • Assistance from UNDP, the European Union (EU), the United States Agency for International Development (USAID), and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Collaboration between the Mali armed forces, MINUSMA and BARKHANE. • Assistance of the International Organisation of La Francophonie with the final draft of the universal periodic review report in 2017.
IV. Civil and political rights			
IV.1 Right to life and the death penalty (**111**-17 to 18, **112**-1 to 2, **112**.10, **112**-11 to 12)	In progress	• The de facto moratorium on executions since 1980 has been maintained. • Abolition of the death penalty and commutation of sentences are under examination.	**The Criminal Code still has provisions involving the death penalty, although no person sentenced to death has been executed since 1980.**

Action Results Recommendation	Status	Measures taken planned	Indicators of results Impact of measures for implementation of recommendations and commitments
IV.2 Torture, cruel, inhuman or degrading punishments or treatment and conditions of detention (**111**-24)	In progress	• Prison visits conducted by the National Human Rights Commission and a report published in 2016. • Measures to humanize places of detention with a view to avoiding ill-treatment.	• Application of disciplinary measures. • Improved prison living conditions. • Introduction of surveillance cameras in Bamako Central Prison. • Construction of a new prison in order to reduce prison overcrowding.
IV.3 Trafficking in human beings, slavery and similar practices (**111**-37 to 38)	In progress	• Action plan to combat trafficking in persons and similar practices. • Tripartite judicial cooperation between Mali, Chad and Niger on fighting transnational organized crime and terrorism.	Establishment of the National Coordinating Committee on Combatting Trafficking in Persons and Similar Practices. Activities began on 15 March 2016 with a trial.
IV.4 Freedom of religion and worship (**110**-12, **111**-64 to 66, **113**-1)	In progress	• Freedom of religion and worship are protected under article 4 of the Malian Constitution. • Religious programmes on national television without distinction. • Establishment of the Ministry of Religious Affairs and Worship	Renovation of destroyed mausolea in Timbuktu. Warrants issued for the arrest of presumed perpetrators, including Ahmad Al Faqi.
IV.5 Freedom of opinion and expression (**111**-67 to 69)	In progress	• Order No. 2014-006/P-RM of 21 January 2014 establishing the High Communication Authority, amended and ratified by Act No. 2015-018 of 4 June 2015. • Review in progress of Act No. 00-046 of 5 July 2000 on press regulation and press offences.	• Prosecution of perpetrators of attacks on journalists. • Opening of an inquiry into the disappearance of journalists. • Strengthened relations between the security forces and journalist through a guide.

Action Results *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
			• Improved security for journalists in times of crisis. • Speedy treatment by the judicial authorities of journalists' complaints. • Personal protection in the event of proven threats.
IV.6 Human rights — Personal safety — Fighting terrorism (**110**-11, **111**-85, **111**-43 to 44, **112**-13)	In progress	• Security Sector Reform. • Amendment of the Code of Conduct of the Armed and Security Forces. • Collaboration between the Mali armed forces, MINUSMA and BARKHANE. • Act No. 2016-008 of 17 March 2016 introducing a single Act on money laundering and the financing of terrorism. • Act No. 2013-06 of 21 May 2013 on the Code of Criminal Procedure amending the rules of procedure on police custody and searches of and visits to homes. • Agreement between armed groups (2016-2017). • Community dialogue forums.	• Operational Coordination Mechanism. • Training and equipping soldiers. • Establishment of an anti-terrorism unit in municipality VI. • Establishment of the G5 Sahel force. • Establishment of a fusion, analysis and intelligence centre. • Establishment of special counter-terrorism forces. • Establishment of a Central Narcotics Office under Order No. 2013-012/P-RM of 2 September 2013. • Seizure of three tons of Indian hemp in 2016-2017.

Action Results *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
IV.7 Administration of justice and fair trial (**111**-9, 111-54, **111**-58)	In progress	Set up an emergency programme to strengthen the judicial system and implement the Algiers Agreement (2015-2018).	• Speedy management of cases in investigation and prosecution of presumed perpetrators of human rights violations. • Organization of mobile court hearings.
V. Economic, social and cultural rights			
V.1 Right to food and access to drinking water (**111**-74, **111**-76 to 77)	In progress	Presidential Emergency Social Programme (2017) implemented throughout national territory.	• Distribution of foodstuffs. • National access to drinking water increased from 63.6 per cent in 2013 to 66.9 per cent in 2016. • Treatment of 108 water points and distribution of 35,300 filters in the northern regions. • 431,495 home visits conducted in the framework of housing hygiene. • 18,651 latrines improved in the framework of combating faecal pollution. • Health inspection of 20,001 collective eating establishments in the framework of preventing and combating food-related diseases.

Action Results *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
V.2 Combating poverty (**111**-72)	In progress	• Government Action Programme 2013-2018. • Plan for the sustainable economic recovery of Mali 2013-2018. • Strategic Framework for Economic Recovery and Sustainable Development 2016-2018. • Accelerated development programme for the northern regions.	• Increased rate of economic growth. • Putting in place the Sahel Women's Empowerment and Demographic Dividend project (SWEDD).
V.3 Right to education (**111**-78 to 80)	In progress	• Emergency Education for All project 2013-2016. • Interim Programme for the revival of education and vocational training, 2015-2016. • Vocational Training Support Fund by the Youth Employment Agency and the National Employment Agency.	• Establishment of 1,317 level I primary schools (2014-2017). • Enrolment of 288,684 additional pupils in basic education between 2014 and 2017. • Recruitment of 2,579 teachers in 2016. • Establishment of the National Employment and Training Observatory under Order No. 2013-024 of 30 December 2013. • Hundreds of young people have been trained.
V.4 Right to health (**111**-73)	In progress	National Technical Working Group on Health and Environment.	• All regions and the district of Bamako provided with insecticides, rat extermination materials and treatment equipment.

Action Results *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* *Impact of measures for implementation of recommendations and commitments*
			• Additional 800 health districts provided with a canteen and/or a means of archival storage. • Disinfection of 19,791 concessions and 17 administrative buildings. • Four referral health centres and 16 community health centres provided with incinerators for the management of biomedical waste.
VI. Rights of specific groups			
VI.1 Women's rights and gender perspective (**110**-5, **111**-8, **111**-10, **111**-13 to 16, **111**-25 to 32, **111**-70 to 71, **112**-6 to 7, **112**-14 to 20)	In progress	• National Programme to Combat Excision. • National women's empowerment programmes. • Participation of women in the implementation of the Agreement on Peace and Reconciliation in Mali resulting from the Algiers Process of 2015. • Technical and financial support to organize civil society to combat genital mutilation. • Legal, psychological and social assistance for victims. • Support to NGOs assisting victims of sexual violence. • Monitoring cases of sexual violence against women. • Punishment by the Criminal Code of violence against women.	• Establishment of a national unit to combat excision. • Putting into operation the Permanent Secretariat for national gender policy. • Establishment of committees to mainstream gender policy in ministerial departments. • Establishment of a gender equality section in the National Civil Service and Human Resources Directorate. • Decision No. 2017-002/MPFEF/SG of 24 January 2017 establishing the National Committee to follow up the process of adopting the bill on gender-based violence, including excision. • Adoption in progress of the bill on gender-based violence.

Action Results / *Recommendation*	*Status*	*Measures taken planned*	*Indicators of results* / *Impact of measures for implementation of recommendations and commitments*
		• Action plans (2012-2014 and 2015-2017) for implementation of resolution 1325 on women, peace and security. • Celebration of 16 days of activism against violence against women. • National agricultural land policy on women's access to land and housing. • Act No. 2017-001 of 11 April 2017 on agricultural land. • Bill on gender-based violence, including excision. • Celebration of International Day of Zero Tolerance for Female Genital Mutilation. • Act No. 2015-052 of 18 December 2015 introducing measures to promote gender equality in access to appointed and elected office.	• **Continuing study of review of the Personal Status and Family Code. Sociocultural factors have forced Mali to postpone any initiative for the time being.**
VI.2 Rights of the child (**111**-33 to 36, **111**-39 to 42, **111**-75, **112**-21 to 22)	In progress	• National child protection policy. • Action plan to combat statelessness. • Act No. 021 of 12 June 2017 amending the Employment Code by raising the minimum age of access to employment from 14 to 15 years.	• Launch in Segou of the Area Free of All Child Labour in October 2014. • Naturalization of the children of Mauritanian refugees. • Establishment of the Solidarity Foundation by Order No. 2017-026/P-RM of 14 August 2017.

Action Results			*Indicators of results*
Recommendation	*Status*	*Measures taken planned*	*Impact of measures for implementation of recommendations and commitments*
		• Interministerial memorandum of 7 February 2013 on the prevention, protection and return to their families of children associated with armed groups.	• Implementation of the national policy and action plan to enable measurement of the results of actions undertaken in the near future.
		• Act 2016-058 of 27 December 2016 on war orphans in the Republic of Mali	• International technical assistance would help Mali to achieve these results.
VI.3 Internally displaced persons, refugees and asylum seekers (**111**-82 to 84)	In progress	• Organization of the return of displaced persons to their regions.	As at 30 June 2017, 60,094 returns out of a total of 140,548 persons.
		• Signing of three tripartite agreements: Mali-UNHCR-Niger (2014); Mali-UNHCR-Burkina Faso (2015), and Mali-UNHCR-Mauritania (2016).	

X. Cooperation with the international community in the framework of follow-up of the recommendations and commitments resulting from the universal periodic review

61. The Government cooperates closely with the Office of the High Commissioner for Human Rights (OHCHR) through the Human Rights Division of MINUSMA, which has provided support for:

- Drafting the mid-term report on implementation of the recommendations of the second cycle of the universal periodic review.
- In November 2014, organizing a session of the Interministerial Committee to support the drafting of initial periodic reports devoted to examining the Government's periodic reports on the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Union Declaration on Gender Equality in Africa.[49]
- A training seminar on drafting national reports for members of this Committee in 2016.

62. The Government cooperates fully with all special-procedure mandate holders of the Human Rights Council. It has received favourably the requests to visit of the independent expert on the human rights situation in Mali.[50]

XI. Progress and best practices

63. The Government of Mali has displayed a genuine will to promote and protect human rights, in particular through:

- Holding the Democratic Discussion Forum on 10 December every year.
- Drafting the annual National Human Rights Commission report on the human rights situation.
- Establishing the Ministry of Human Rights and State Reform in April 2017.
- Producing training manuals and collections of international and regional human rights law.
- Since 2013, organizing national human rights week and the national symposium on human rights.
- Adopting the national human rights policy.
- Adopting the national transitional justice policy.
- Adopting a bill on the protection of human rights defenders.

XII. Difficulties and constraints

64. The Government of Mali faces difficulties and constraints:

- Poor mobilization of both domestic and international resources to contribute to poverty reduction.
- Sociocultural factors that affect promotion of the rights of women and fighting female genital mutilation.
- Weak capacities of the State and non-State actors working in the human rights field.
- Inadequacy of the institutional and normative human rights framework.

- End of financing of the Support Programme for the Promotion and Protection of Human Rights.
- Weak participation of Mali in the sessions of the Human Rights Council.

XIII. Impact of the multidimensional crisis on the human rights situation in Mali

65. From an economic point of view, the crisis has had a negative effect on wealth creation, including a fall in growth in 2012 (-0.8 per cent) and 2013 (2.3 per cent).

66. This economic slow-down has increased poverty, the rate of which was 52.8 per cent in rural areas in 2014, compared to 28.5 per cent in urban areas.

67. Armed confrontations, the weak presence of the State, basic social services and security services in the regions of the centre and north and the slow pace of their redeployment have led to a rise in human rights violations and community tensions.

XIV. Application of the Agreement on Peace and Reconciliation in Mali resulting from the Algiers Process

68. 2015 was marked by the outcome of the negotiations that led to the signing of the Agreement on Peace and Reconciliation in Mali on 15 May, completed in Bamako on 29 June. Although the ambient insecurity has made it hesitant, there has been some progress in implementing it. In accordance with article 57 of the Agreement, the Agreement Follow-Up Committee and the National Coordinating Committee for Implementation of the Agreement have been set up to facilitate implementation and follow-up with all stakeholders.

69. In the framework of implementation of the Agreement, the Government has taken responsibility for the fighters of the signatory movements. It has supplied partial lists of ex-combatants of the signatory movements with a view to forming the first Operational Coordination Mechanism units and assigning them to bases. In accordance with the Agreement, the first combined patrol was organized on the decision of the Operational Coordination Mechanism. On 14 November 2015, in close collaboration with the Government, MINUSMA inspected the building work on various sites for bases in the regions of Tombouctou and Gao. Of the 24 proposed sites, 15 were technically evaluated, 11 of which were approved by the Technical Security Committee.

70. Since the ministerial meeting of 23 September 2016, substantial progress has been made in implementing the Agreement for Peace and Reconciliation in Mali resulting from the Algiers Process, including the holding of a National Understanding Conference, and the establishment of the National Disarmament, Demobilization and Reintegration Commission and the Security Sector Reform Council. Combined patrols are increasingly operational, as are the interim authorities and the emergency plan for development of the northern regions.

71. The Government is intensifying its efforts to provide basic social services and the dividends of peace to the people affected by the crisis. Municipal and regional elections are planned for late 2017.

72. Nonetheless, terrorism, drug-trafficking and frequent clashes between armed groups threaten the efforts exerted by the Government and the international community to implement the Agreement.

73. The Government of Mali, which has made very substantial financial efforts, will respect all its commitments in the framework of application of the Agreement because it is convinced that there is no credible alternative to the peaceful path to lasting settlement of the crisis.

XV. Expectations in terms of capacity-building and technical assistance

74. In light of the context marked by the challenges connected with implementation of the Agreement for Peace and Reconciliation resulting from the Algiers Process, the authorities require technical assistance to enable them to continue current efforts to promote and protect human rights, draft reports within the allotted time frames and implement the recommendations of the treaty bodies and the universal periodic review.

75. National human rights institutions and civil society organizations deserve particular attention with regard to capacity-building and technical assistance in view of the role they are called upon to play in promoting and protecting human rights.

XVI. Conclusion

76. Between 2013 and 2017, indiscriminate attacks and targeted criminal and terrorist acts committed by extremist armed groups in the regions of the north and centre have affected civilian communities, national and international forces and United Nations staff. This situation is tending to crystallize and bring some armed rebel groups closer to armed extremist groups, whose activities are becoming recurrent and dangerous in the north and centre of Mali.

77. In light of the above, the international community is called upon to support the Malian authorities in their efforts to prevent violations of human rights and international humanitarian law. This means paying particular attention to the support strategy for MINUSMA and the actual deployment of troops equipped with substantial means to guarantee the protection of civilian communities in the localities of the north and centre.

78. The international community is also called upon to continue to support the Government in order to guarantee the security of people throughout national territory by strengthening national capacities, including those of the defence and security forces and the judicial system, in order to enhance the promotion and protection of human rights in Mali.

Notes

[1] Recommandation 110.1
[2] Recommandations 111.8, 110.3
[3] Recommandation 111.72
[4] Recommandation 110.5
[5] Recommandation 111.38
[6] Recommandation 111.54
[7] Recommandations 111.55, 111.56
[8] Recommandation 111.9
[9] Recommandations 111.59, 111.60
[10] Recommandation 111.44
[11] Recommandations 111.43, 112.24, 112.27
[12] Recommandation 111.85
[13] Recommandation 111.7
[14] Recommandations 111.61, 111.62
[15] Recommandations 111.58
[16] Recommandations 110.2, 111.4
[17] Recommandation 111.5
[18] Recommandations 111.1, 111.2, 111.3
[19] Recommandation 111.7
[20] Recommandations 110.10 111.1, 111.6
[21] Recommandations 112.24, 112.27
[22] Recommandations 111.48, 111.49, 111.50, 111.52, 111.55, 111.56, 112.23
[23] Recommandation 112.23
[24] Recommandation 110.7
[25] Recommandation 110.9

[36] Recommendations 110.11, 111.43, 111.85.
[37] Recommendations 110.4.
[38] Recommendations 111.17, 111.18.
[39] Recommendations 111.37, 111.38.
[40] Recommendations 111.19, 111.21, 112.13, 112.14.
[41] Recommendations 110.12, 111.64, 111.65, 111.66.
[42] Recommendations 111.67, 111.68, 111.69.
[43] Recommendations 111.73.
[44] Recommendations 111.70, 111.76.
[45] Recommendations 111.80.
[46] Recommendations 111.75.
[47] Recommendations 111.77.
[48] Recommendations 111.74, 111.76.
[49] Recommendations 111.26, 111.27, 111.28, 111.29, 111.60, 112.6, 112.7, 112.10, 112.16.
[50] Recommendations 112.16.
[51] Recommendations 112.14, 112.19, 111.71, 111.31, 111.32, 112.15.
[52] Recommendations 111.13, 111.15, 111.16.
[53] Recommendations 111.14, 111.70.
[54] Recommendations 111.29, 111.30, 111.31.
[55] Recommendations 111.16, 111.33, 111.32, 111.83.
[56] Recommendations 111.39, 111.40, 111.41, 111.42.
[57] Recommendations 111.34, 111.35, 111.36.
[58] Recommendations 111.75.
[59] Recommendations 110.8.
[60] Recommendations 111.12.

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Compilation on Mali

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. In 2013, the Human Rights and Protection Division was established as a component of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The Division has provided technical assistance to Mali in several areas, including for strengthening institutions.[3]

3. The United Nations country team welcomed the cooperation by Mali with the Independent Expert on the situation of human rights in Mali, who had made seven visits to the country. However, the country team regretted the lack of cooperation with other special procedures mandate holders who had expressed a desire to visit the country.[4]

4. The Committee on the Elimination of Discrimination against Women recommended that Mali adopt a four-year national action plan on the implementation of its most recent concluding observations.[5]

III. National human rights framework[6]

5. The country team noted that the Act establishing the National Human Rights Institution had been passed in 2016 and that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had urged that it be strengthened.[7] The Independent Expert on the situation of human rights in Mali encouraged the National Human Rights Commission to take steps for its accreditation by the International Coordinating Committee (now the Global Alliance of National Human Rights Institutions).[8]

6. The country team welcomed the adoption in 2016 of the national policies on human rights and transitional justice, both of which were accompanied by a plan of action, and the establishment in 2017 of the Ministry of Human Rights and State Reform.[6]

7. The Secretary-General noted that, notwithstanding repeated delays, the completion of the establishment of the interim authorities in the northern regions had been a first step to the gradual restoration and extension of State authority in those regions.[7] Nonetheless, the gains made thus far towards the peace and stability of Mali had still not reached the stage where they were irreversible. He urged all stakeholders to redouble their efforts and collaborate in good faith towards the speedy and full implementation of the Agreement on Peace and Reconciliation.[8]

8. The Secretary-General stated that interim measures must be consolidated by longer-term institutional reforms, including the review of the Constitution. The absence of a comprehensive strategy for security sector reform needed to be addressed to allow for the disarmament, demobilization and reintegration of combatants, as well as their integration, and the redeployment of the reconstituted Malian defence and security forces across the country.[9]

9. The Secretary-General recommended that the signatory parties to the Agreement capitalize on the momentum generated by the establishment of the interim authorities to reinstate inclusive and accountable institutions, restore State authority throughout the country, including by re-establishing the rule of law, providing security and basic social services to the population and assisting in the recovery of the local economy, beginning with the swift launch of the mixed patrols in the Kidal and Timbuktu regions.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[11]

10. The Committee on the Elimination of Discrimination against Women reiterated its concern at the persistence of adverse cultural practices and traditions, patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family.[12]

11. The same Committee was deeply concerned that the progressive provisions on women's rights that had been included in the preliminary draft of the revised Personal and Family Code had been removed during the second reading in the National Assembly as a result of pressure from conservative and religious groups. The resulting Code contained many discriminatory provisions, including regarding succession, the different minimum age of marriage for girls and boys, payment of bride prices, polygamy and the requirement to obey one's husband.[13] The Committee recommended that Mali repeal all discriminatory provisions in the Personal and Family Code; enact comprehensive anti-discrimination law; initiate open and inclusive public debates and raise the awareness of parliamentarians of the importance of a comprehensive legal reform to achieve substantive equality of women and men.[14] The Committee also encouraged open and inclusive public debates regarding the diversity of interpretation with regard to Muslim family laws and practices, in order to combat justification of discrimination against women in the name of religion.[15]

2. Development, the environment, and business and human rights

12. The country team noted that an initiative had been launched to identify and recognize those international companies that voluntarily applied the law on the quota for women in the private sector in Mali (set at a minimum of 30 per cent).[16]

3. Human rights and counter-terrorism[20]

13. In 2016, the Independent Expert emphasized that the security situation as it related to extremist groups was highly complex, with multiple dimensions that went beyond the borders of Mali. The international community and countries in the region should improve cooperation arrangements in order to combat terrorism successfully.[21]

14. The Independent Expert noted that, in the course of counter-terrorism operations, the security forces had been reportedly involved in human rights violations, including arbitrary executions, inhuman and degrading treatment, torture, illegal detentions and rape.[22] He stated that the operationalization of the specialized judicial unit should open up new prospects for the fight against terrorism.[23]

B. Civil and political rights

1. Right to life, liberty and security of person[24]

15. In 2016, the Independent Expert was concerned that the security situation in Mali had deteriorated considerably with the resurgence of terrorist and asymmetric attacks in the regions of Mopti, Ségou and Gao.[25]

16. In 2017, the Independent Expert noted that the security situation in northern Mali was extremely volatile as fatal clashes had broken out between the groups that had signed the peace agreement. He also noted that the delay in its implementation had been due to the mistrust between the signatory parties.[26]

17. The Independent Expert was concerned about the insufficient presence of Malian security forces outside Bamako and the main cities. He stated that the weak security presence, coupled with widespread poverty and inequalities, had allowed terrorism to flourish. He recommended that the international community help Mali to develop a comprehensive, holistic approach to the issue of security.[27]

18. In 2017, the Secretary-General noted that the state of emergency had been extended to 31 October.[28]

19. The Independent Expert noted that the extremist groups increasingly often committed acts of violence against civilians. He was concerned that abductions and enforced disappearances attributed to armed groups in the northern regions persisted.[29] He deplored the rise in roadside checkpoints by armed groups and dissidents and the increasing number of attacks on people travelling, including theft of vehicles and the targeting of humanitarian workers.[30]

20. The Independent Expert was concerned about the sense of insecurity that was felt among communities. The State's inability to protect them favoured the emergence of self-defence groups and sometimes led the affected communities to seek the protection of jihadist groups.[31] He was also concerned at the conflicts between and within communities, which posed a threat to the peace process.[32] He noted reports of serious incidents, reprisals and tensions against communities suspected of supporting terrorist attacks,[33] and recommended that investigations be conducted[34] and that reconciliation forums continue to be held.[35]

21. MINUSMA and OHCHR were worried about the summary executions that had taken place during confrontations between armed groups and militias, and about the failure of the Malian armed forces, in some cases, to protect the population.[36] Moreover, the judicial authorities had not opened any investigations into those events.[37]

22. The Independent Expert was concerned at the growing number of detainees held incommunicado by the Malian security services and the international forces. He was also concerned that the Human Rights and Protection Division of MINUSMA continued to be refused access to the premises of those two entities, despite his repeated calls for such access to be granted.[38]

23. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the rate of overcrowding was extremely

high and the problem was endemic in all the centres of detention visited. For example, the population of Bamako Central Prison was 300 per cent of capacity, and the ratio exceeded even 400 per cent in other prisons. It made a recommendation.[39]

24. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was concerned at attacks against cultural heritage and expressions that occurred in Timbuktu in 2012. It stated that the deliberate destructions of landmark monuments and places of memory, and the prohibition and disruption of important cultural expressions and practices had caused significant damage to local communities.[40] UNESCO encouraged Mali to strengthen, in collaboration with OHCHR, the legal framework to ensure enhanced protection of victims of attacks against cultural heritage and expressions; and establish a national committee on culture, to promote a transversal approach when elaborating development policies and strategies.[41]

2. Administration of justice, including impunity and the rule of law[42]

25. MINUSMA and OHCHR pointed out that one of the consequences of the armed groups taking control was the flight of administrative personnel and government forces, which had left an administrative vacuum and consolidated the power of the armed groups.[43]

26. The Independent Expert noted that the effective capacity of the regional courts had been seriously hampered by a lack of material and human resources.[44]

27. The Independent Expert noted the involvement of traditional or religious "judges" who reviewed civil, judicial and religious matters in accordance with Islamic law in certain regions where there were no secular judicial authorities.[45] He urged all parties to the peace agreement to take measures to reassure and secure local populations and to allow the return of State authorities throughout the region as provided for in the peace agreement.[46] He also recommended that the international community provide financial and technical assistance to support the authorities in their efforts to build the capacity of the judiciary to meet its obligations.[47]

28. The country team, while noting that criminal trials had been held in 2016 and 2017, considered that no significant progress had been made in the fight against impunity for crimes involving members of the defence and security forces or armed groups.[48]

29. The Independent Expert remarked that the opening of the trial of Amadou Haya Sanogo and his co-accused had been an important milestone in the fight against impunity. The two men faced charges for their alleged role in the murder of the 21 "Red Berets" who disappeared in 2012.[49] However, he did not observe any progress in other judicial proceedings involving military personnel.[50] The country team noted that the Sanogo case had been suspended a few day after it opened.[51]

30. The Independent Expert stated that the Military Code did not comply with international human rights guarantees in a number of key areas.[52] Both the Independent Expert and the Committee on the Elimination of Discrimination against Women recommended that Mali complete the process of revising the Military Code.[53]

31. The Independent Expert noted the proceedings instituted in Timbuktu by victims of sexual violence, who had yet to see any progress. The distance to the only jurisdiction competent to consider such cases, which was located in the judicial unit on terrorism in Commune III of Bamako, remained a challenge.[54] The Independent Expert recommended that the Malian authorities take steps to ensure that the counter-terrorism unit of Commune III was operational outside the capital so as to enable victims to be heard and to exercise their right to justice.[55]

32. The Committee on the Elimination of Discrimination against Women recommended that Mali conduct awareness-raising campaigns to eliminate the stigmatization of women seeking recourse through the justice system;[56] and ensure that victims had access to comprehensive medical treatment and psychosocial support.[57] The Independent Expert recommended that the international community continue to provide financial and technical assistance and support to help victims of human rights violations.[58]

33. The Independent Expert noted that the right to free legal assistance was not implemented on the ground.[59]

34. MINUSMA and OHCHR regretted that so little had been done to identify the perpetrators of human rights violations and abuses and to hold them responsible for their acts. They recommended that the appropriate authorities should launch credible investigations immediately and that they should cooperate with international bodies, publicize the outcome of the investigations[60] and ensure that everyone accused of human rights violations or abuses was brought before the courts.[61]

35. In 2013, the High Commissioner recommended that Mali establish a transitional justice mechanism in conformity with international human rights law with the technical support of OHCHR.[62] In 2016, the Independent Expert was concerned that no national consultations had been held before the Commission was established.[63] In 2017, he welcomed the progress made in the field of transitional justice, in particular with the official operationalization of the regional offices of the Justice, Truth and Reconciliation Commission and the commencement of statement-taking.[64] However, he was concerned about the lack of transparency in the negotiations that had led to the appointment of the members, and emphasized that the Commission needed to put in place a more dynamic communications policy.[65] He stressed that the Commission needed sustained technical and financial support.[66] The Independent Expert emphasized that, in order to establish lasting peace, it was necessary to end the impunity surrounding both past and present human rights violations and abuses, and recommended that a strategy be developed to ensure that perpetrators of human rights violations, including State agents, were systematically investigated and prosecuted.[67]

36. The Independent Expert was deeply concerned at the release, as part of the confidence-building measures to support the truce and peace process, of detainees suspected of or formally charged with involvement in serious crimes, including war crimes, terrorist attacks and gross human rights violations.[68] He received information that many of those freed in the north of the country were allegedly perpetrators of crimes against humanity, war crimes or other serious human rights violations.[69] He emphasized that any measure amounting to an amnesty would be contrary to international law and in violation of the commitment made by the parties to the peace agreement.[70]

37. The Independent Expert called on Mali to build on the momentum for institutional reform, especially with regard to justice and the establishment of mobile counselling centres to expedite judicial proceedings for crimes committed in the centre and north of the country.[71]

38. The Independent Expert welcomed the historic trial at the International Criminal Court of Ahmad Al Faqi Al Mahdi, former head of the Islamic morality police, who was found guilty of a war crime for organizing the destruction of religious and historic buildings in Timbuktu in 2012.[72]

3. Fundamental freedoms and the right to participate in public and political life[73]

39. MINUSMA and OHCHR regretted that two journalists from an international radio station had been kidnapped and executed by terrorist groups in the Kidal region in 2013.[74]

40. UNESCO noted that there was no legislation guaranteeing access to information or the confidentiality of journalists' sources.[75] UNESCO encouraged Mali to introduce a freedom of information law and recommended that it decriminalize defamation and place it in a civil code, in accordance with international standards.[76]

4. Prohibition of all forms of slavery[77]

41. The High Commissioner noted that discrimination against certain ethnic and social groups continued, especially in some Tuareg communities that had a caste system and where slavery was still a widespread practice. This was particularly the case for the Bella people.[78]

42. The Independent Expert noted with concern that Tuareg society was composed of clans and a confederation of clans with a rigid hierarchical structure that ensured that

Bellas, the dark-skinned Tuaregs who were still regarded as slaves and who were denied their inherent human rights and dignity, were kept at the bottom of the social scale.[79]

43. The Committee on the Elimination of Discrimination against Women was concerned that girls were exposed to exploitative child labour, including domestic work and begging.[80]

44. The country team deplored the absence of a national programme to combat the sexual exploitation of women and children.[81]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

45. The Committee on the Elimination of Discrimination against Women remained concerned that women, specifically in rural areas, were concentrated in the informal sector, in non-skilled and low-paid jobs and excluded from social protection. It recommended that Mali ensure the active participation of women in the design and implementation of job creation schemes.[82]

46. The same Committee was concerned that, under the Labour Code, women were prohibited from engaging in certain types of work. It recommended that Mali repeal discriminatory provisions in the Labour Code.[83]

47. The same Committee was also concerned about the persistent gender wage gap and that women were exposed to high unemployment rates and persistent horizontal and vertical segregation in the labour market, in both the public and private sectors. It recommended that Mali implement the principle of equal pay for work of equal value.[84]

48. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations urged Mali to take measures to adapt and strengthen the labour inspection services to ensure that children who were not bound by an employment relationship benefit from the protection afforded by its Minimum Age Convention, 1973 (No. 138)[85] and to take the necessary measures to ensure that the overall revision of the Labour Code and its implementing texts took into account the Committee's comments.[86]

2. Right to an adequate standard of living[87]

49. The High Commissioner noted the high level of poverty in Mali, the population's limited access to basic social services and the inequitable distribution of national wealth, particularly from natural resources.[88]

50. The Independent Expert recommended that the Malian authorities take all possible measures to ensure that growth in gross domestic product led to a proportional decrease in the poverty rate.[89]

51. The Independent Expert noted that the food insecurity rate was extremely high, that according to a national review, 25 per cent of the population continued to suffer from food insecurity, and around 500,000 persons were in need of immediate food aid.[90] In addition, many of them faced forced displacements.[91]

52. The Secretary-General stated that, across Mali, the nutritional status of children and women of reproductive age remained a major concern, with 115,000 pregnant or lactating women requiring nutrition assistance and 620,000 children under 5 years of age suffering from acute malnutrition.[92]

53. The country team noted that a national policy paper on food and nutrition security had been prepared in response to a recommendation made in the universal period review. The paper was in the process of being validated/adopted.[93]

54. The Independent Expert had received reports about the shortage of safe drinking water and that 54,000 people in the north of Mali did not have adequate access to drinking water.[94] The Secretary-General stated that about 1.2 million people, the majority of whom

were located in the northern and central regions, had limited access to clean water and sanitation.[95]

55. The Independent Expert stated that serious security threats in the northern and central areas of Mali were putting civilians at risk and hampering their access to basic social services[96]. He stated that theft and attacks on humanitarian workers were having an adverse effect on the provision of humanitarian assistance to the population. He urged the parties to ensure unhindered humanitarian access to the population centres affected and the protection of humanitarian personnel.[97]

3. Right to health[98]

56. The High Commissioner noted that the occupation of the north by armed groups had led to the mass exodus of medical personnel and the destruction of health facilities.[99] The Independent Expert, in turn, noted that health-care workers involved in the polio vaccination campaign had refused to travel to a village in Mopti on account of the lack of security in the area and, in Timbuktu, armed individuals had attacked a health centre and stolen equipment and medicines and an ambulance.[100]

57. The Committee on the Elimination of Discrimination against Women recommended that Mali increase the budgetary allocation to basic health care and sexual and reproductive health-care services, affordable modern contraceptives and family planning services, according priority to women in rural areas, women in conflict-affected areas and women with disabilities.[101]

4. Right to education[102]

58. UNESCO noted that during its second universal periodic review Mali had agreed to improve its education system and access to education, but the gross primary school enrolment rate had fallen from 92 per cent to 83.5 per cent between 2011 and 2013, while at the same time the completion rate had fallen from 62 per cent to 49 per cent.[103]

59. The Secretary-General noted that 501 out of a total of 4,872 schools had been closed in the northern and central regions of the country, with 150,000 children out of school owing to insecurity. The Mopti region had been particularly affected, with 266 schools closed.[104]

60. MINUSMA and OHCHR noted that the problem of school closures had been compounded by the occupation of school premises by armed groups in some areas of northern Mali. They recommended putting an immediate end to the occupation of schools and making a concerted effort to persuade the Malian authorities to reopen the schools.[105]

61. The Committee on the Elimination of Discrimination against Women noted with concern the existence of a parallel education system with Koranic schools that remained outside the purview of the Ministry of Education.[106] It recommended that Mali ensure the alignment of curricula in Koranic schools with those provided nationally and endorsed by the Ministry of Education.[107]

62. UNESCO recommended that Mali take all the necessary measures to guarantee the right to education in emergency and conflict situations and to ensure that education was accessible to all.[108]

63. The Secretary-General stated that intimidation of school officials by armed individuals demanding that strict religious ideology be followed continued to be reported in the central regions.[109]

64. UNESCO also noted that a number of projects had been launched after the Government of Mali had been encouraged to seek the international community's support in strengthening its education system, with the result that progress had been made in the education of girls and women between 2012 and 2014. The gender parity index for completion of primary education had risen from 0.66 to 0.89.[110]

D. Rights of specific persons or groups

1. Women[111]

65. The Committee on the Elimination of Discrimination against Women noted that the efforts made by the authorities to improve the situation of women in Mali had largely been impeded by the instability caused by the occupation of northern and central Mali by radical Islamic groups, inter-ethnic violence and several consequent military interventions since 2012. It also noted the severe continuing impact of the hostilities on women in the north, in particular, and internally displaced women.[112]

66. The same Committee was concerned about sexual violence, including forced and early marriage, sexual slavery, rape and torture, committed against women by the extremist groups and by members of the military, and the resulting impunity for perpetrators.[113]

67. The High Commissioner stated that the OHCHR mission that had visited Mali in November 2012 had collected a significant amount of information on alleged sexual abuse by all the armed groups that were controlling the north. However, the stigmatization of the victims was a major obstacle to their care.[114] During his visit, the Independent Expert had interviewed many victims who had not filed complaints for fear of reprisals or stigmatization, which was another factor that contributed to impunity.[115]

68. The Committee on the Elimination of Discrimination against Women was concerned about the continuing extremely high incidence of female genital mutilation (90 per cent), the increasingly young age at which excision is performed and the impunity of the perpetrators.[116] The country team noted that the abandonment of such harmful practices remained a challenge for Mali and regretted the lack of reliable statistics and detailed studies on gender violence.[117]

69. The Committee on the Elimination of Discrimination against Women recommended that Mali, inter alia, finalize the bill to prohibit female genital mutilation, ensure that the practice was sanctioned and allocate resources to ensure the implementation of the national plan of action to combat female genital mutilation.[118] UNESCO recommended mobilizing the international cooperation that would be needed to run an effective educational and cultural campaign and completely eliminate the practice of female genital mutilation.[119]

70. The Committee on the Elimination of Discrimination against Women expressed concern that harmful practices, such as child and forced marriage, polygamy, humiliating and degrading widowhood practices, force-feeding, levirate and sororate, remained prevalent and unpunished in Mali. It was also concerned that gender-based violence, including domestic and sexual violence, appeared to be socially legitimized and accompanied by a culture of silence and impunity.[120]

71. The same Committee welcomed the adoption of Act No. 2015-052 (2015), instituting measures to promote gender equality in access to nominated and elected positions[121] and the plan of action (2015-2017) on women, peace and security.[122]

72. The country team welcomed the adoption of legislative measures to protect women's rights. However, it believed that there were still gaps in the legislation regarding the protection of women from traditional practices.[123]

73. The Independent Expert recommended that Mali denounce publicly and unequivocally all forms of violence against women, without invoking any custom, tradition or religious consideration to justify or excuse such violence, and investigate and prosecute with due diligence all cases of violence against women in the family or community.[124]

74. The Independent Expert noted that there was still no law on combating gender-based violence[125] and that facilities for victims of conflict-related sexual violence were inadequate, especially in the north.[126]

75. The Committee on the Elimination of Discrimination against Women recommended that Mali expedite the enactment of a law on combating gender-based violence and stop the

practice of referring cases of gender-based violence to mediation, encourage the reporting of incidents of gender-based violence, finalize the related national programme and provide assistance and protection to victims of gender-based violence.[127]

76. The same Committee was concerned that women had consistently been underrepresented at the decision-making level since the beginning of the Algiers process for peace and reconciliation in Mali.[128] It recommended that sufficient resources be allocated to the plan of action for the implementation of Security Council resolution 1325 (2000) to ensure the achievement of its objectives of promoting the meaningful involvement of women at all stages of the stabilization and reconstruction process.[129]

77. The Independent Expert welcomed the Act No. 2015-052 of 18 December 2015, which had introduced measures to promote gender equality in access to elective and appointive posts. He hoped that the decree to bring the Act into force would be adopted soon.[130]

78. While noting the efforts made by Mali in that regard, the Committee on the Elimination of Discrimination against Women was nonetheless concerned about the low representation of women in elected and appointed decision-making positions and that, under the Electoral Act women with disabilities were denied the right to vote.[131] It recommended that Mali repeal article 28 of the Electoral Act and assist women, in particular women who were illiterate and women with disabilities, to obtain the documents required to exercise their right to vote.[132] It also recommended that Mali increase the representation of women in local policymaking and management bodies and in the design and implementation of the national food security strategy.[133]

79. The Independent Expert encouraged Mali to finalize the strategic plan 2016-2018 on the implementation of the national programme for gender equality.[134]

80. The Committee on the Elimination of Discrimination against Women recommended that Mali repeal the legal provision requiring women to obey their husbands and, furthermore, raise the awareness of traditional leaders and especially men of the need to encourage the economic empowerment of women as a poverty alleviation strategy.[135]

2. Children[136]

81. The High Commissioner stated that the OHCHR mission that had visited Mali in November 2012 had collected credible information that indicated that the National Movement for the Liberation of Azawad (MNLA), Al-Qaida in the Islamic Maghreb (AQIM), Ansar Dine and the Movement for Unity and Jihad in West Africa (MUJAO) had recruited and trained children in camps. Following the defeat of MNLA, most of the child soldiers reportedly joined other armed groups.[137]

82. MINUSMA and OHCHR had received reports that children were to be found in the ranks of armed groups, as well as information on their role in the offensives led by such groups.[138]

83. The Independent Expert was informed that recruited children were mainly involved in preparing food, but that they also received military training. Reports also indicated the presence of armed children at checkpoints.[139] He stated that child soldiers with bullet wounds had been recorded in hospitals,[140] that children had been victims of violent clashes between armed groups[141] and that many had been killed or injured by unexploded ordnance or stray bullets.[142]

84. The Independent Expert stated that the risk of sexual violence against children by members of armed groups remained high.[143]

85. The ILO Committee of Experts requested Mali to take measures to end the practice of forced or compulsory recruitment of children under 18 years of age by armed groups and to implement the process of disarmament, demobilization and reintegration of all children associated with armed forces or armed groups in order to ensure their rehabilitation and social integration. It also requested Mali to ensure that perpetrators were prosecuted and penalized.[144]

86. The High Commissioner was concerned about the recruitment of *talibé* children entrusted by their parents to marabouts to receive an Islamic education and, who, in return, were allegedly exploited as beggars. A number of the marabouts who were responsible for the children had fled the north, leaving their pupils at risk of recruitment.[145]

87. The Independent Expert was concerned at the lack of access to safe drinking water and sanitation facilities that put children at risk of life-threatening diseases.[146]

88. The country team said that the Child Protection Code should be amended to take account of the problems related to the protection of children in emergency situations.[147]

89. The country team was concerned that 20 per cent of girls in Mali were married by the age of 15, and 50 per cent by the age of 18.[148]

90. The ILO Committee of Experts urged Mali to take measures to ensure that thorough investigations and robust prosecutions were carried out and sanctions were imposed on marabouts who made use of children under 18 year of age for purely economic purposes.[149]

3. Persons with disabilities

91. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the 10-year strategic plan and plan of action to promote the socioeconomic rights of persons with disabilities.[150] UNESCO recommended that Mali should expedite the adoption of the bill on the rights of persons with disabilities, in line with international standards.[151] The Committee on the Elimination of Discrimination against Women recommended that Mali finalize the law on social protection of persons with disabilities and establish a mechanism to monitor its enforcement.[152]

4. Migrants, refugees, asylum seekers and internally displaced persons

92. In 2017, the Secretary-General noted that localized displacements continued to occur owing to violence in the central regions, increasing the number of internally displaced persons from some 45,800 to approximately 59,000. There were approximately 143,600 Malian refugees in neighbouring countries.[153]

93. The Independent Expert received reports that flows of refugees from Mali continued in a neighbouring country. The refugees attributed their flight to a lack of security in their region of origin, arising from violent crime and terrorist activities.[154]

94. MINUSMA and OHCHR noted a wave of displaced persons following the capture of the town of Kidal by armed groups in 2014. Over 18,000 people, including families, had been displaced as a result of the fighting, out of fear of reprisals or because of threats based on their political views or ethnicity. Likewise, when the town of Aguelhok had fallen to MNLA in 2014, many had fled to neighbouring communes.[155]

95. The country team reported that 32,064 forcibly displaced persons had been recorded in the interior of the country between January and July 2017.[156]

96. The country team noted the measures taken by Mali to protect refugee rights, including measures to improve the reception of returnees and the issuance of birth certificates for refugees.[157]

97. The Independent Expert noted that, months after their displacement, many families had still not received any support from national institutions or the humanitarian community.[158]

98. The Independent Expert also noted that migrants were regularly targeted and attacked while travelling through Mali. For instance, on 21 October 2016, in the region of Gao, a truck carrying 70 migrants had been attacked by unidentified armed persons driving a pickup truck, on the road between Gao and Kidal, beyond Tabankort.[159]

99. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned by the legislative provisions that imposed prison sentences of between three months and three years on foreign nationals who stayed in Mali without the required permit or after their permit had expired.[160] It recommended that Mali consider decriminalizing irregular migration.[161]

100. The same Committee was concerned by reports that refugees returning to Mali faced limited access to basic services, high unemployment, the risk of arbitrary arrest or detention if they belonged to specific groups and intercommunity tensions.[96] It recommended that Mali arrange for the return of refugees who left the country during the crisis, ensure their safety and the protection of their rights and take steps towards their reintegration into economic, social and cultural life.[97]

8. Stateless persons

101. The country team drew attention to the national strategy to modernize civil registration procedures, which had been validated in 2016 but not yet adopted. Likewise, no specific provisions had been made to facilitate the registration of children whose non-registration was linked to the crisis in the north. The country team was concerned that children without a birth certificate could not sit the examination for the school-leaving qualification.[98]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mali are available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/MLIndex.aspx.

[2] For relevant recommendations, see A/HRC/23/6, paras. 110.1–110.3, 110.6–110.7, 111.11–111.12 and 112.9.

[3] Rapport de la MINUSMA et du HCDH sur la situation des droits de l'homme au Mali du 1er novembre 2013 au 31 mai 2014.

[4] Namely, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the human rights of migrants; United Nations country team submission for the universal periodic review of Mali, pp. 2–3.

[5] See CEDAW/C/MLI/CO/6-7, para. 7.

[6] For relevant recommendations, see A/HRC/23/6, paras. 110.4–110.6, 110.10, 111.1–111.2, 111.4 and 111.6–111.7.

[7] United Nations country team submission, p. 2.

[8] See A/HRC/34/72, para. 36.

[9] United Nations country team submission, p. 3.

[10] See S/2017/478, para. 54.

[11] Ibid., para. 55.

[12] Ibid., para. 59.

[13] Ibid., para. 56.

[14] For relevant recommendations, see A/HRC/23/6, paras. 111.15–111.19, 111.22 and 111.70–111.71.

[15] See CEDAW/C/MLI/CO/6-7, para. 19.

[16] Ibid., para. 43.

[17] Ibid., paras. 12 (b) and (c) and 44 (a).

[18] Ibid., para. 44 (d).

[19] United Nations country team submission, p. 4.

[20] For relevant recommendations, see A/HRC/23/6, paras. 111.21, 111.23–111.92, 111.82 and 111.85.

[21] See A/HRC/31/76, para. 87.

[22] See A/HRC/34/72, para. 41; also A/HRC/31/76, para. 41.

[23] See A/HRC/34/72, para. 31.

[24] For relevant recommendations, see A/HRC/23/6, paras. 111.17–111.23, 111.25–111.24, 111.44, 111.52, 111.85, 112.5, 112.11 and 112.13.

[25] See A/HRC/31/76, para. 13.

[26] See A/HRC/34/72, paras. 7 and 81.

[27] Ibid., para. 83.

[28] See S/2017/478, para. 16.

[29] See A/HRC/34/72, paras. 48 and 51.

[30] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=E.

[31] See A/HRC/34/72, para. 21.

[32] Ibid., para. 53.

[33] Ibid., paras. 55–57.

[34] Ibid., para. 55.

[1] Ibid., paras. 97-98.
[2] See Rapport conjoint de la MINUSMA et du HCDH sur les événements du Pont Blatma les 29 et 31 mai 2015, paras. 4 and 60.
[3] Ibid., para. 56.
[4] See A/HRC/34/72, para. 71.
[5] See CAT/C/MLI/1, paras. 49-50.
[6] See UNESCO submission for the universal periodic review of Mali, para. 10. See also A/HRC/22/33/Add.6, corr.1, paras. 44-45.
[7] See UNESCO submission, para. 23.
[8] For relevant recommendations see, see A/HRC/25/6, paras.111.2-111.7, 111.49-111.55, 111.63-111.65, 112.14 and 112.23-111.27.
[9] See Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commises lors des événements de Kidal, les 16, 17 et 21 mai 2014, para. 6.
[10] See A/HRC/31/76, para. 31.
[11] See A/HRC/34/72, para. 65.
[12] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=E.
[13] See S/PRST/2014/26, para. 9(6).
[14] United Nations country team submission, p. 2.
[15] See A/HRC/34/72, para. 33.
[16] See A/HRC/31/76, paras. 25 and 27.
[17] United Nations country team submission, p. 2.
[18] See A/HRC/31/76, para. 25.
[19] See A/HRC/34/72, para. 27, and CED/C/MLI/CO/1/Add.1, para. 24.
[20] See A/HRC/34/72, paras. 25 and 26.
[21] Ibid., para. 89 (a).
[22] See CED/C/MLI/CO/1/Add.1, para. 14.
[23] Ibid., para. 24 (c).
[24] See A/HRC/34/72, para. 90 (c).
[25] See A/HRC/31/76, para. 72.
[26] Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commises lors des événements de Kidal, les 16, 17 et 21 mai 2014, p. 2.
[27] Ibid., p. 26.
[28] See A/HRC/23/57, para. 69 (d).
[29] See A/HRC/31/76, para. 33.
[30] See A/HRC/34/72, para. 34.
[31] Ibid., para. 34.
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=E.
[33] See A/HRC/34/72, para. 64.
[34] See A/HRC/31/76, paras. 27-28.
[35] See A/HRC/34/72, para. 29.
[36] See A/HRC/31/76, para. 29.
[37] Ibid., para. 89.
[38] See A/HRC/34/72, para. 37.
[39] For relevant recommendations, see A/HRC/25/6, paras. 111.65-111.66, and 111.69.
[40] Rapport de la MINUSMA et du HCDH sur la situation des droits de l'homme au Mali du 1er novembre 2013 au 31 mai 2014.
[41] See UNESCO submission, para. 5.
[42] Ibid., paras. 20-21.
[43] For relevant recommendations, see A/HRC/25/6, paras. 111.37-111.38.
[44] See A/HRC/22/33 and Corr.1, para. 17.
[45] See A/HRC/25/72, para. 63.
[46] See CED/C/MLI/CO/1/Add.1, para. 11.
[47] United Nations country team submission, p. 7.
[48] See CED/C/MLI/CO/1/Add.1, paras. 31 and 32 (b).
[49] Ibid., paras. 31 and 32 (a).
[50] Ibid., paras. 31 and 32 (d).
[51] See www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:11001:0::NO::P11001_COUNTRY_ID:102691,fr.
[52] See www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:11001:0::NO::P11001_COUNTRY_ID:102691,fr.
[53] For relevant recommendations, see A/HRC/25/6, paras. 111.55-111.56 and 111.59.
[54] See A/HRC/22/33 and Corr.1, para. 15.

[87] See A/HRC/34/72, para. 88 (c).
[88] Ibid., para. 77.
[89] See A/HRC/31/56, para. 79.
[90] See S/2017/478, para. 34.
[91] United Nations country team submission, p. 6.
[92] See A/HRC/31/56, para. 79.
[93] See S/2017/478, para. 36.
[94] See www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=21327&LangID=F.
[95] Ibid.
[96] For relevant recommendations, see A/HRC/23/8, paras. 111.75 and 111.77.
[97] See A/HRC/22/53 and Corr.1, para. 40.
[98] See A/HRC/34/72, para. 68 and 76.
[99] See CED/C/8/MLI/CO/1-7, para. 34 (a).
[100] For relevant recommendations, see A/HRC/23/8, paras. 111.78-111.81.
[101] See UNESCO submission, para. 14.
[102] See S/2017/478, para. 35.
[103] Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commis lors des événements de Kidal, les 16, 17 et 21 mai 2014, p. 27.
[104] See CED/C/8/MLI/CO/1-7, para. 29.
[105] Ibid., para. 30 (d).
[106] See UNESCO submission, p. 6, recommendation 4.
[107] See S/2017/478, para. 23.
[108] See UNESCO submission, paras. 15-16.
[109] For relevant recommendations, see A/HRC/23/8, paras. 111.13-111.16, 112.25-111.32, 111.48, 111.50, 111.70-111.71, 112.6-112.7, 112.19, 112.20 and 113.1.
[110] See CED/C/8/MLI/CO/1-7, para. 7.
[111] Ibid., para. 23.
[112] See A/HRC/22/53 and Corr.1, para. 34.
[113] See A/HRC/34/72, para. 60.
[114] See CED/C/8/MLI/CO/1-7, para. 21.
[115] United Nations country team submission, p. 4.
[116] See CED/C/8/MLI/CO/1-7, para. 22.
[117] See UNESCO submission, p. 4, para. 111.93.
[118] See CED/C/8/MLI/CO/1-7, para. 19.
[119] Ibid., para. 8 (a).
[120] Ibid., para. 9 (a).
[121] United Nations country team submission, p. 3.
[122] See A/HRC/31/56, 92 (d).
[123] See A/HRC/34/72, para. 62.
[124] Ibid., para. 63.
[125] See CED/C/8/MLI/CO/1-7, para. 20.
[126] Ibid., para. 9.
[127] Ibid., para. 10.
[128] See A/HRC/34/72, para. 63.
[129] See CED/C/8/MLI/CO/1-7, para. 27.
[130] Ibid., para. 28.
[131] Ibid., para. 38.
[132] See A/HRC/34/72, para. 67.
[133] See CED/C/8/MLI/CO/1-7, para. 36.
[134] For relevant recommendations, see A/HRC/23/8, paras. 111.33-111.36, 111.39-111.42, 112.21.
[135] See A/HRC/22/53 and Corr.1, para. 28.
[136] See Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commis lors des événements de Kidal, les 16, 17 et 21 mai 2014, paras. 64-65.
[137] See A/HRC/31/56, para. 68.
[138] See A/HRC/34/72, para. 67.
[139] See A/HRC/31/56, para. 67.
[140] See A/HRC/34/72, para. 66.
[141] See A/HRC/31/56, para. 69.
[142] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3245461.
[143] See A/HRC/22/53 and Corr.1, para. 30.
[144] See A/HRC/31/56, para. 70.
[145] United Nations country team submission, p. 5.

[148] Ibid., p. 3.
[149] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3245461.
[150] See CEDAW/C/MLI/CO/6-7, para. 39.
[151] See UNESCO submission, p. 6, recommendation 1.
[152] See CEDAW/C/MLI/CO/6-7, para. 40 (a).
[153] See S/2017/478, para. 37.
[154] See A/HRC/34/72, para. 74.
[155] Rapport conjoint de la MINUSMA et du HCDH sur les violations des droits de l'homme et du droit international humanitaire commis lors des événements de Kidal, les 16, 17 et 21 mai 2014, para. 97.
[156] United Nations country team submission, p. 8.
[157] Ibid., p. 7.
[158] See A/HRC/34/72, para. 75.
[159] Ibid., para. 76.
[160] See CMW/C/MLI/CO/2, para. 20.
[161] Ibid., para. 21 (b).
[162] Ibid., para. 44.
[163] Ibid., para. 45.
[164] United Nations country team submission, p. 5.

United Nations A/HRC/WG.6/29/MLI/3

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Summary of stakeholders' submissions on Mali*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 16 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. JS3 was concerned at the inordinate backlog in reports from Mali to treaty bodies.[4]

B. National human rights framework[5]

3. JS5 noted that, despite its establishment by law in 2016, the National Human Rights Commission (NHRC) still has status B.[6] JS3 and JS5 recommended developing a strategic plan and allocate the necessary resources in order to ensure that the Commission fully comply with the Paris Principles.[7]

4. JS5 indicated that in 2016, the Council of Ministers adopted the National Human Rights Policy 2017-2021.[8]

5. HRW noted that during the previous UPR cycle, Mali accepted to provide human rights training to law enforcement officials and judges, and that there had been considerable progress in this area.[9]

* The present document was not edited before being sent to United Nations translation services.

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C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[10]

6. JS2 regretted the persistence of discrimination against women and of gender-based violence, owing in particular to the delay in adopting certain legislative amendments and to the enduring sway of traditional practices and the powerful religious lobby.[11]

7. JS2 was concerned at the discriminatory provisions still to be found in the Personal and Family Code, the reform of which had failed in 2011. The legal marriageable age in Mali was 16 for girls and 18 for boys, and a woman must "obey and submit to her husband". Provisions relating to inheritance also remained discriminatory. The spread of Salafism and the imposition of Sharia law in certain parts of the country by a number of jihadist groups were also of particular concern.[12]

8. AI recommended to eliminate all discriminatory provisions and practices against women and girls contained in the Persons and Family Code; and raise the minimum age of marriage for girls to 18 years of age.[13]

Development, the environment, and business and human rights[14]

9. JS6 deplored the use by one company, M3, of various pesticides on fields around the villages of Sanamadougou and Saou, polluting the water, the soil and the environment in general, and giving rise to health problems.[15] JS6 recommended taking steps to protect customary land rights and ensuring that communities were properly involved in decision-making processes that affected them.[16]

Human rights and counter-terrorism[17]

10. HRW indicated that the security forces responded to attacks by Islamist armed groups with counterterrorism operations that often resulted in arbitrary arrests, summary executions, torture, and other ill-treatment. The vast majority of human rights violations had been committed by the army during interrogations in the first two days after detention.[18]

11. Amnesty International (AI) remained concerned about law against terrorism which allows for the death penalty for terrorist offences.[19] AI regretted that the law allowed for police searches at any time and without the presence of the suspect, and at the lack of clarity on police custody extension.[20] AI recommended ensuring that all those arrested or detained on suspicion of terrorist acts have immediate and unrestricted access to legal counsel.[21]

12. In April 2007, AI interviewed detainees in Bamako Central Prison, charged for terrorist acts, who, since 2013 had not been allowed to exercise outside the prison cells, which are cramped and poorly ventilated.[22] AI was also informed of deaths in custody of people suspected of being members of armed groups.[23]

2. Civil and political rights

Right to life, liberty and security of person[24]

13. AI noted that the bill for the abolition of death penalty had been repeatedly postponed and the courts continue to impose death sentences. AI and JS3 recommended once again to abolish the death penalty for all crimes, pending its total abolition; commute all death sentences; and ratify without reservations the Second Optional Protocol to the ICCPR.[25]

14. ADPEN recalled that Mali had experienced a major crisis in 2012. The armed conflict triggered by an independence movement had quickly become associated with the advance of Islamist movements wishing to impose Sharia law in the region.[26] In 2013, with

international assistance, the towns captured by Islamists had gradually been retaken by the central Government.[27]

15. AI, ADPEN, ICB, AI and JS2[28] were concerned at the fact that numerous civilians had been killed since 2012, particularly in northern regions,[29] and that the crisis had had multiple negative consequences for civilian populations.[30] HRW noted that crimes committed by extremist groups included summary executions, bomb attacks, limb amputations, and the destruction of cultural and religious shrines, sexual violence, widespread pillage, and recruitment of children.[31]

16. According to JS2, hundreds of people had been arrested for reasons related to the conflict, and dozens of those had been detained, in some cases for months, without an arrest warrant or after expiry of the detention order, on no clear grounds and without having been informed of the charges against them. They had allegedly been tortured by the Malian army, in some cases resulting in death.[32]

17. HRW and AI recalled that during its previous UPR review, Mali accepted to guarantee the respect for human rights and international humanitarian law by the security forces. However, abuses including extrajudicial execution, enforced disappearance, torture, and arbitrary detention persisted.[33]

18. ICB noted in 2017 an increase of casualties and impunity. It recorded more than 200 deaths in ten weeks, many of them in the region of Mopti, where individual attacks and homicides were perpetrated against traditional and religious authorities, together with frequent ambushes to the security and armed forces.[34]

19. AI recommended carrying out investigations into all allegations of extrajudicial executions, enforced disappearance or any other crime under international law; exercise strict command control over the armed forces and hold any superior officer accountable.[35]

20. ADPEN was concerned at the resurgence of inter-ethnic conflict, and particularly at the murder of dozens of people belonging to a particular ethnic group.[36] JS2 noted human rights violations against certain communities perceived as having ties to terrorist and vigilante groups.[37]

21. ICB and ADPEN indicated that a peace agreement had been signed between the various parties in 2015. However, the implementation of this agreement had proved complicated.[38] JS2 emphasized the need to speed up implementation of the peace agreement, notably in terms of measures to disarm the armed groups, efforts to combat impunity and development measures for the affected regions.[39]

22. JS3 and HRW *recalled that* Mali accepted to implement measures to ensure that the absolute ban on torture and ill-treatment are observed by the Malian Armed Forces. However, detainees interviewed between 2013 and 2017 told HRW that they had been severely mistreated during interrogation by army soldiers.[40] HRW recommended ensuring that government gendarmes accompany the Malian army on operations at all times.[41]

23. JS3 recommended that article 209 of the Criminal Code be amended to provide for penalties commensurate with the gravity of the crime of torture, to ensure that acts of torture were not subject to the statute of limitations, and to persevere with investigations into allegations of torture, prosecute the perpetrators and hand down appropriate sentences.[42]

24. JS3 recommended that NHRC be given access to all places of detention and that prison overcrowding be reduced, for example by observing the limits on pretrial detention and choosing alternative non-custodial sentences.[43]

25. JS3[44] and AI recalled that during the previous UPR, Mali sought the support of the international community to improve prison conditions.[45] However, prison conditions remained poor. In Bamako, 1200 detainees were held in the prison which has a capacity for only 400 inmates, and prisoners had to take turns to sleep due to the limited space.[46]

26. In April 2017, AI documented the cases of four prisoners held in an unofficial detention centre in Bamako known as the "Sécurité d'Etat", run by an army unit. The prison was not subject to inspection because it was not officially recognized, and lawyers and

family members had been denied access to inmates. Some of those detained are accused of carrying out terrorist acts. AI had not received a response to its request to visit detainees held at the "Sécurité d'Etat". AI and HRW recommended putting an end to arbitrary arrests and illegal detention in non-official places of detention, notably the General Directorate of State Security, and ensure that all detainees have the right to legal counsel.[47]

Administration of justice, including impunity, and the rule of law[48]

27. AI, JS2, JS3 and HRW During its 2013 UPR, Mali committed to undertake effective and impartial investigations into all reports of serious human rights violations and to ensure that perpetrators were brought to justice. However, there has been little progress in this area, especially regarding violence against women.[49]

28. The International Criminal Bar (ICB) noted that investigations of human rights violations rarely take place, and if they do, they are scarcely ever completed. This was due to a large extent to the armed conflict. ICB also noted interference on the independence and impartiality of judges, especially in cases that involve politics or certain officials.[50]

29. AI was concerned that in 2014, in the run up to the Algiers Peace Agreement, more than 40 prisoners, including high-ranking members of armed groups were released without trial. Most of them were charged with serious crimes perpetrated in the northern regions in 2012 and 2013, including rape, torture, amputations, deliberate and arbitrary killings, the use of child soldiers and terrorism.[51] ICB noted that alleged perpetrators were otherwise exchanged for western captives being held by terrorist groups.[52]

30. JS3 recommended continuing with efforts to investigate allegations of extrajudicial executions and enforced disappearances, and prosecuting and sentencing the perpetrators.[53] AI recommended to open effective investigations by civilian authorities into all allegations of crimes under international law and human rights violations, and ensure prosecution in fair trials; ensure that the Bamako courts are competent to receive and investigate all cases of serious crimes under international law committed in the north of Mali in 2012 and 2013; and set up the international commission of inquiry as provided in the Algiers Peace Agreement.[54]

31. JS5 was concerned that the composition of appointed commissioners of the Truth, Justice and Reconciliation Commission (TJRC) was made without consultations.[55] JS5 recommended reviewing the composition of the members of the TJRC by ensuring that armed groups are not overrepresented, ensure equal gender representation, and give the necessary resources to guarantee the effective functioning of the Commission.[56] HRW recommended that the TJRC make recommendations aimed at ensuring better governance and preventing a repetition of past violations.[57]

32. AI and JS2 were concerned at the fact that, in 2012 and 2013, the Supreme Court had transferred jurisdiction for the "occupied areas" to the *tribunal de grande instance* (court of major jurisdiction) of Bamako District commune 3.[58] However, in February 2015, at the request of the Malian Government, the Supreme Court had restored jurisdiction to the northern courts,[59] even though the courts in the northern regions were not able to try sensitive cases, mainly owing to the security situation, threats to judges and the lack of a State presence in the region.[60]

33. AI and JS2 indicated that all ongoing proceedings were still at the investigation stage. The case against former coup leader Amadou Haya Sanogo and his co-defendants was the only one to have reached trial, in 2016.[61] However, it had since been postponed.[62]

34. JS2 indicated that complaints of war crimes and crimes against humanity had been brought by its member organizations between 2014 and 2015 on behalf of over 100 victims of sexual violence, although the investigations had stalled.[63]

35. HRW welcomed the fact that, in September 2016, the ICC sentenced Ahmad al-Faqi al-Mahdi to nine years in prison for his role in destroying historical and religious monuments in Timbuktu in 2012, and that ICC investigations in Mali are ongoing. HRW recommended establishing a special investigation cell to investigate grave crimes committed by all sides during and since the 2012-2013 armed conflict, and continue full cooperation with the International Criminal Court.[64]

36. JS2 was concerned at the draft constitutional amendment reinforcing the President's powers.[65] JS5 stated that, due to the mounting pressure from civil society organisations, the referendum was postponed.[66]

37. JS3 deplored the fact that corruption remained a fact of life in Mali, and that many highly placed and influential people enjoyed impunity. JS3[67] and HRW recommended establishing an anti-corruption body empowered to investigate and recommend prosecution of public officials implicated in corrupt practices; publish the national budget and inform on government revenues and expenditures.[68]

Fundamental freedoms and the right to participate in public and political life[69]

38. AI recalled that Mali accepted a recommendation to protect freedom of expression.[70] AI welcomed the establishment of the High Authority of Communication (HAC), in 2014.[71] AI was however concerned that bloggers had been arrested and charged with affront to public decency and demotivating troops,[72] and journalist sentenced to imprisonment for defamation.[73]

39. Free Press Unlimited noted that the crisis led to a serious deterioration of press freedom in the country. Northern Mali continued to be a dangerous area for journalists, who have been kidnapped, killed and disappeared.[74] JS5 recommended protecting fundamental human rights and ensuring safety for journalists and refraining from criminalizing their legitimate activities.[75] JS6 recommended putting an end to all forms of criminalization of human rights defenders, including those fighting for land rights.[76]

40. FPU and Access Now regretted that, according to various reports, the shutdown of certain social media applications on the mobile internet was ordered in June 2017, during the street protests against the referendum on the constitutional reform project.[77] Access Now recommended to refrain from slowing, blocking, or shutting down internet and telecommunications services, particularly during elections and public assemblies.[78]

41. JS5 and AI noted that Mali adopted a draft bill granting a number of rights to human rights defenders.[79] However, they were concerned that during demonstrations, people had been shot dead or wounded.[80]

42. JS5 and AI recommended ensuring that the draft law is in line with international law, provides a protection mechanism for human rights defenders, and clearly defining their rights and responsibilities.[81]

Prohibition of all forms of slavery[82]

43. JS2 was concerned at the fact that slavery and slavery-like practices existed in Mali, and that it was difficult to determine the extent of the problem as it remained a taboo subject. However, these practices continued, particularly in the north of the country. JS2 recommended that a special law be adopted to define and punish offences relating to slavery.[83]

44. NHRC reported that, owing to its geographic location in the Sahel, Mali had a problem of trafficking in persons, particularly women. There was no specialized institutional mechanism to help women victims of trafficking or sexual exploitation.[84]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

45. JS1 recommended that public programmes be created to help marginalized young people to find employment.[85]

46. HRW recalled that Mali accepted to "combat effectively the child labour and trafficking of children." However thousands of children continue to work in artisanal and small-scale gold mines in highly dangerous conditions. HRW recommended improving child labor monitoring, including in artisanal and small-scale gold mines; and enforcing the legal ban on hazardous child labor.[86]

Right to social security

47. JS2 deplored the increasing number of people suffering from food insecurity and the fact that several million people received no State support.[87]

Right to an adequate standard of living[88]

48. JS2 was concerned at the fact that, in the face of the rise in levels of violence since 2015, the State had withdrawn from some areas of Mali, with drastic consequences, leaving the population deprived of the most basic services.[89]

49. Cultural Survival was concerned that approximately 2 million people were food insecure, and over 54 000 people did not had adequate access to clean drinking water.[90]

50. JS6 was concerned that, following the expropriation decision,[91] and as a result of the operations of the *Moulin Moderne du Mali* (M3) company, the residents of Sanamadougou and Saou no longer had full access to their land, and therefore lacked food security.[92] Their access to decent housing[93] and water was also restricted. Furthermore, one of the pumps providing the village of Sanamadougou with drinking water had broken down and the residents did not have the funds to repair it. The situation also affected cattle breeders in the region.[94] JS6 recommended speeding up the handling of complaints related to land disputes through the interministerial commission established in 2012.[95]

Right to health[96]

51. JS2: Despite some progress on the legislative front, numerous challenges remained in the health sector, such as social conflicts that had led to lengthy strikes, while insecurity around the country had also led to the discontinuation of health-care services and the refusal of some health-care workers to work in conflict zones.[97]

52. ADF International recommended improving health care infrastructure, access to emergency obstetric care, midwifing training, and resources devoted to maternal health.[98]

53. HRW noted that, since 2013, on at least 12 occasions, ambulances and vehicles used by both the Malian government and aid organizations to deliver health care were attacked or robbed. In some, sick passengers and health workers were forced out of the vehicles. HRW recommended to provide regular and adequate patrols to protect civilians and humanitarian workers in areas at particular risk from violent crime and banditry.[99]

Right to education[100]

54. JS2 indicated that the conflict in Mali had seriously affected the education system, most particularly in the northern regions, where in some places schools had been closed for over two years owing to insecurity and the children's vulnerability to the fundamentalists, who had attempted to impose Qur'anic education.[101]

55. CS, CADH, AI and JS2 noted with concern that more than 500 schools had been closed in regions affected by the crisis, and more than 150,000 children are out of school due to lack of security. Despite the Algiers Peace Agreement, armed groups still occupy some schools. In addition, in some districts, people representing themselves as jihadists have threatened staff at schools, demanding that the schools are closed or converted to madrassas or koranic teaching. [102] AI recommended implementing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict; and taking measures, including in collaboration with MINUSMA, to prevent the occupation of schools by armed groups.[103] NHRC recommended introducing a system of hazard pay for affected teachers in conflict zones.[104]

56. According to JS2, considerable progress had been made in girls' education. However, many students had not been able to access quality education owing in part to the gradual withdrawal of the State in favour of the private sector. JS6 expressed similar concerns.[105]

57. ADPEN noted that access to education for the children of nomadic groups was virtually non-existent, on the one hand because of the failure to register births, and on the other because of the nomadic lifestyle, which made it difficult to monitor children's

enrolment.[106] ADPEN recommended establishing a mobile school system that could move around with the nomadic populations in the north of Mali, and ensuring the registration of births in order to facilitate access to education.[107]

4. Rights of specific persons or groups

Women[108]

58. JS2 was concerned at the extent of violence against women in the context of the armed conflict. JS2 indicated that, in the first quarter of 2017, the gender-based violence cluster had recorded a total of 790 instances of gender-based violence, and many places had no specialized victim care service.[109] JS2 deplored the fact that sexual violence was under-documented.[110]

59. JS2 welcomed the creation of the National Action Committee on the Eradication of Practices Harmful to Women's and Children's Health and the National Programme to Combat the Practice of Female Genital Mutilation, as well as the awareness-raising activities that had prompted 1,088 of the 12,000 villages in Mali to announce that they would no longer practice female genital mutilation. However, JS2 was concerned at the fact that female genital mutilation was still carried out in Mali. The Human Rights Action Consortium (CADH) added that one demographic survey had found that 91 per cent of women aged 15 to 45 had been subjected to female genital mutilation. According to JS2, early female genital mutilation was increasingly common in towns.[111] JS2 and AI recommended criminalizing the practice and persevering with the awareness-raising efforts.[112]

60. AI regretted that early and forced marriage remained a concern, with 15%[113] of women having been married under the age of 15 and 59.9% married under 18.[114]

61. While noting with satisfaction the law establishing a 30 per cent quota for women in political and administrative positions,[115] JS2 found it regrettable that women's participation in political and institutional life remained marginal.[116]

Children[117]

62. HRW recalled that, in 2013 Mali committed to take measures to protect children from recruitment by armed groups. However, while welcoming the protocol to ensure child combatants were promptly handed over to humanitarian actors, HRW was concerned that armed groups, including the self-defense militia GATIA, continued to recruit child soldiers.[118]

63. AI was concerned that several child soldiers had been arrested by the Malian authorities and held in detention, without adequate protection measures for children in custody.[119]

64. HRW and AI recommended taking measures to prevent the recruitment and use of child soldiers; ensure that all children arrested on suspicion of association with armed groups receive special attention and set up a programme to facilitate their rehabilitation in their community and families.[120]

65. JS1 added that, although there was a fairly substantial legal framework for child protection, it was not very effective,[121] and the problem of children and young people living on the street continued to grow.[122] According to one study, 75 per cent of children and young people on the street were talibes whose only means of subsistence was begging.[123] Living on the streets, these children were victims of social exclusion and exposed to substance abuse, physical and sexual violence, and psychological trauma on a daily basis.[124] JS1 recommended carrying out preventive action,[125] supporting the socioeconomic reintegration of children and young people living on the streets,[126] and setting up services specifically to deal with addiction.[127]

66. JS4 recommended capacity-building, for those working in the justice system, in the use of alternative mechanisms, including mediation, as a means of dealing with children in conflict with the law without resorting to legal proceedings;[128] guaranteeing the presence of a lawyer during preliminary enquiries in order to safeguard the best interests of the child;[129]

operationalizing children's sections in police stations;[129] establishing a mechanism to allow children deprived of their liberty to report any ill-treatment they might suffer, without fear of reprisals.[130]

67. GIEACPC was concerned that corporal punishment was still lawful in the home and in alternative care. It recommended Mali to clearly prohibit all corporal punishment of children in every setting.[131]

Persons with disabilities

68. JS2 recommended continuing the process of strengthening the legal framework for the protection of persons with disabilities, and taking genuine measures to support them.[132]

Migrants, refugees, asylum seekers and internally displaced persons

69. Cultural Survival was concerned at the difficult situation for refugees. In addition to limited access to healthcare, clean water, and education, refugees also face physical and sexual within the refugee camps and violence, and stigmatization. Cultural Survival noted that returning refugees were in need of assistance to be reiterated.[133]

70. Cultural Survival and CADH noted that internally displaced persons were particularly vulnerable to sexual exploitation.[134]

[illegible]

[illegible] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
HRW	Human Rights Watch;
CS	Cultural Survival;
CADH	Consortium Actions Droits Humains;
ADPEN	Association pour le développement et la protection de l'environnement au Nord Mali;
FPU	Free Press Unlimited;
GIEACPC	Global Initiative to End All Corporal Punishment of Children;
ICH	International Criminal Bar.

Joint submissions:

JS1	**Joint submission 1 submitted by**: Samusocial Mali, Caritas Mali, and Apprentis d'Auteuil;
JS2	**Joint submission 2 submitted by**: l'Association Malienne des Droits de l'Homme (AMDH), l'Association pour le Progrès et la Défense des Droits des Femmes (APDF), Femmes & Droits Humains (F&DH), Women in Law and Development in Africa (WILDAF), l'Association des Juristes Maliennes (AJM), le Collectif Cri de Coeur, appuyés par la Fédération Internationale des ligues des Droits de l'Homme (FIDH); a été établi pour contribuer au 3eme cycle de l'Examen Périodique Universel (EPU) du Mali;
JS3	**Joint submission 3 submitted by**: Association chrétienne contre la Torture (ACAT) and Federation Internationale de l'ACAT (FIACAT);
JS4	**Joint Submission 4 submitted by**: Bureau International Catholique de l'enfance, Bureau national catholique de l'enfance;
JS5	**Joint submission 5 submitted by**: Femmes, droits humains, International service for human rights, COMADDH;
JS6	**Joint submission 6 submitted by**: Convergence Malienne contre les Accaparements des Terres, Association des organisations professionnelles paysannes, CAD Mali, Coordination nationale des organisations paysannes.

Ligue pour la Justice et le développement des droits de l'homme

[1] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination.
ICESCR	International Covenant on Economic, Social and Cultural Rights.
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights.
ICCPR-OP 1	Optional Protocol to ICCPR.
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty.
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women.
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
CRPD	Convention on the Rights of Persons with Disabilities.
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[2] For relevant recommendations see A/HRC/21/16, paras. 124.1-124.18, 124.55, 124.57.

[3] JS3 para. 31

[4] For relevant recommendations see A/HRC/21/16, paras. 111.1, 111.4,111.9, 111.10,111.11, 111.9.

[5] JS5 page 2.

[6] JS3 para. 29 and JS5 page 3.

[7] JS5, page 2 (f-).

[8] HRW page 2.

[9] For relevant recommendations see A/HRC/21/16, paras. 111.13, 111.14, 111.17, 111.1.

[10] JS2 page 2 (iii)

[11] JS2 page 3

[12] AI page 7

[13] For relevant recommendations see A/HRC/21/16, paras.

[14] JS6 page 7.

[15] JS6 page 13.

[16] For relevant recommendations see A/HRC/21/16, para. 111.11.

[17] HRW page 3.

[18] AI page 5

[19] AI page 2.

[20] AI page 7.

[21] AI page 4.

[22] AI page 4.

[23] For relevant recommendations see A/HRC/21/16, paras. 111.17,111.21,111.23-111.24, 111.44, 111.81, 111.85, 112.1, 112.11, 112.13.

[24] AI page 7, and JS3 para. 3.

[25] AHRSN, para. 1.1

[26] AHRSN, para. 2.

[27] AI JS2 pages 3 and 4.

[28] AHRSN 14 et 15.

[29] AI pages 5 and 6. AHRSN para. 4 and IUM pages 1 and 7.

[30] HRW page 3.

[31] JS2 page 5.

[32] HRW page 1 and AI page 5.

[33] IUM page 3.

[34] AI page 6.

[1] A/HRC/WG.6/29/MLI/1, para. 19.
[2] JS2, page 4.
[3] A/HRC/WG.6/29/MLI/1, para. 3.
[4] JS2 page 4.
[5] HRW page 2.
[6] HRW page 3; JS3, para. 9. Recommandations par le Canada, la Norvège, l'Irlande, l'Espagne, l'Australie, la Saint Naïge et le Costa Rica dans le rapport du groupe de travail sur l'EPU: A/HRC/23/6, para. 111.19, 111.21, 111.23, 111.91, 111.62, 112.14 et 112.26.
[7] JS3, para. 12.
[8] JS3 para. 20.
[9] JS3 paras. 15-20; AI pages 4 and 5.
[10] Summary of the proceedings of the stevens process; A. Presentation by the State under review, paragraph 17.
[11] Recommandations par la France dans le rapport du groupe de travail sur l'EPU: A/HRC/23/6, para. 111.24.
[12] AI page 7 and HRW page 3.
[13] For relevant recommendations see A/HRC/23/16, paras 111.2-111.117, 111.49-111.97, 111.61-111.67, 112.14, 112.23-112.27.
[14] HRW page 2; AI pages 3 and 4; JS2 page 8; JS3, para. 8 Recommandations par la Lituanie, la Pologne, l'Australie, la Saint Naïge, le Canada et le Costa Rica dans le rapport du groupe de travail sur l'EPU: A/HRC/23/6, paras. 111.88, 111.90, 111.62, 112.25 et 112.26.
[15] ACSH, pages 3 and 4.
[16] AI pages 3 and 4.
[17] ACSH page 4.
[18] JS3 para. 8.
[19] AI page 7.
[20] JS3, page 2 (II).
[21] JS3, page 3.
[22] HRW page 7.
[23] Arrêt de la Cour Suprême N° 89 du 16 juillet 2012 – Arrêt de la Cour Suprême N° 04 du 21 janvier 2013.
[24] JS2 page 7 and AI page 3.
[25] JS2 page 7.
[26] Voir Communiqué de presse FIDH-AMDH1 « Ouverture du procès d'Amadou Haya Sanogo au Mali un pas crucial dans la lutte contre l'impunité ». 28 novembre 2016.
[27] Voir Communiqué de presse FIDH-AMDH1 « Ouverture à début 2017 du procès d'Amadou Haya Sanogo: les autorités maliennes doivent tenir leurs engagements ». 14 décembre 2016, disponible à: https://www.fidh.org/fr/regions/afrique/mali/ouverture-a-debut-2017-du-proces-d-amadou-haya-sanogo-les-autorites
[28] Voir le rapport FIDH-AMDH1 « Mali: Terrorisme et impunité font chanceler un accord de paix fragile ». 11 mai 2017, Section IV, pages 13 à 19.
[29] HRW page 3.
[30] JS2 page 2.
[31] JS3, page 2 (I).
[32] JS3 para. 27.
[33] HRW page 7.
[34] For relevant recommendations see A/HRC/23/16, paras. 111.65-111.66(i).
[35] A/HRC/23/6, Accepted Recommendations: 111.67 (State of Palestine); 111.68 (Spain).
[36] AI page 1 and 2.
[37] AI page 1 and 2.
[38] AI page 1 and 2.
[39] EPU, page 1 and 3.
[40] JS5 page 3.
[41] JS6 page 12.
[42] EPU, page 2 and Annex Note, para. 12.
[43] Annex Note, para. 23.
[44] JS5, pages 2 (I) and 3 and AI pages 2 and 3.
[45] AI page 1 and 2.
[46] AI page 4.
[47] For relevant recommendations see A/HRC/23/16, paras. 111.35, 111.38.
[48] JS2 page 10.
[49] CAT/C/MLI/1 para. 13.
[50] JS5, para. 14.2.

[1] HRW, page 7.
[2] JS2, page 11.
[3] See relevant recommendations see A/HRC/23/16, paras. 111.72-111.74, 111.77.
[4] JS2, pages 11 and 12.
[5] UN, page 7.
[6] JS4, page 8.
[7] JS4, page 7.
[8] JS4, page 5-6.
[9] JS4, page 7.
[10] JS4, page 12.
[11] See relevant recommendations see A/HRC/23/16, paras. 111.75, 111.77.
[12] JS2, page 11.
[13] AIAD International, para. 29- 41.
[14] HRW, page 4.
[15] See relevant recommendations see A/HRC/23/16, paras.111.75, 111.77.
[16] JS2, page 12.
[17] JS3, para. 11.2.4 UN page 5 L'ADEJOR, AI page 7.
[18] AI page 7.
[19] A/HRC/29.
[20] JS4, page 8.
[21] ADPS/L, para. 7.
[22] ADPS/L, para. 9.
[23] See relevant recommendations see A/HRC/23/16, paras. 111.13-111.16, 112.25-111.32, 111.48, 111.94, 111.70, 111.73, 112.6, 112.7, 112.19, 112.20, 113.1.
[24] JS2 page 9.
[25] JS2 page 9.
[26] A/HRC/WG.6/29/MLI/3, para. 8.
[27] JS2 page 9 and AI page 7.
[28] The State of the World's Children 2016 : A fair chance for every child', UNICEF, June 2016.
[29] Loi du 12 novembre 2019.
[30] JS2 page 10.
[31] See relevant recommendations see A/HRC/23/16, paras.111.33-111.36, 111.39-111.42, 112.23.
[32] HRW, UN page 5.
[33] AI, page 2.
[34] AI page 8 and HRW page 5.
[35] JS1 para. 16.
[36] JS1 para. 4.6.
[37] JS1 para. 9.
[38] JS1 para. 10.
[39] JS2, para. 15.4.
[40] JS3, para. 14.1.
[41] JS3, para. 19.1.
[42] JS4, paras. 9.1 and 14.1.
[43] JS4 paras. 14.4 and 20.1.
[44] JS4, para. 27.2.
[45] JS4 paras. 33.2 and 40.2.
[46] GIE/SC/PS, paras 2.
[47] JS2 page 11.
[48] UN pages 4 and 5.
[49] UN page 6 A/HRC/WG.6/29/MLI/3 para. 29.